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REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION*

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LETTER OF TRANSMITTAL

24 August 1990

Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination. In accordance with that article, the Committee on the Elimination of Racial Discrimination, established pursuant to the Convention, "shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

You will recall that, owing to the non-payment of the assessed contributions by a number of States parties over several years, the normal functioning of the Committee on the Elimination of Racial Discrimination has been disrupted since 1986.

As you are aware, the financial problem facing the Committee continues to be critical in 1990 and, as a result, the Committee's spring session had to be cancelled. However, the Committee was able to hold its thirty-eighth session from 6 to 24 August 1990.

At its 888th meeting, held today, 24 August 1990, the Committee unanimously adopted its 1990 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its forty-fifth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Agha SHAHI
Chairman of the
Committee on the Elimination
of Racial Discrimination

His Excellency
Mr. Javier Pérez de Cuéllar
Secretary-General of the United Nations
New York

I. ORGANIZATIONAL AND RELATED MATTERS

A. States parties to the Convention on the Elimination of All Forms of Racial Discrimination

1. As at 24 August 1990, the closing date of the thirty-eighth session of the Committee on the Elimination of Racial Discrimination, there were 129 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the thirty-eighth session, 14 of the 129 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I to the present report.

B. Session and agenda

3. The Committee on the Elimination of Racial Discrimination, owing to non-payment of contributions by a number of States parties, was unable to hold its spring session in 1990. The Committee held only one regular session in 1990. The thirty-eighth session (863rd-888th meetings) was held at the United Nations Office at Geneva from 6 August to 24 August 1990.

4. The agenda of the session as adopted by the Committee is reproducedn annex II.

C. Membership and attendance

5. In accordance with the provisions of article 8 of the Convention, the States parties held their 13th meeting at United Nations Headquarters on 16 January 1990 1/ and elected nine members of the Committee from among the candidates nominated to replace those whose term of office was due to expire on 19 January 1990.

6. The list of members of the Committee for 1990-1991, including those elected or re-elected on 16 January 1990, is as follows:

Name of member	Country of nationality	Term expires on 19 January
Mr. Mamoud ABOUL-NASR**	Egypt	1994
Mr. Hamzat AHMADU**	Nigeria	1994
Mr. Michael Parker BANTON**	United Kingdom of Great Britain and Northern Ireland	1994
Mr. Eduardo FERRERO COSTA	Peru	1992
Mr. Isi FOIGHEL	Denmark	1992
Mr. Ivan GARVALOV	Bulgaria	1992
Mr. Régis de GOUTTES*	France	1994
Mr. George O. LAMPTEY**	Ghana	1994
Mr. Carlos LECHUGA HEVIA*	Cuba	1994
Mr. Iouri A. RECHETOV	Union of Soviet Socialist Republics	1992
Mr. Jorge RHENAN SEGURA	Costa Rica	1992
Mrs. Shanti SADIQ ALI	India	1992
Mr. Agha SHAHI**	Pakistan	1994
Mr. Michael E. SHERIFIS**	Cyprus	1994
Mr. SONG Shuhua	China	1992
Mr. Kazimir VIDAS	Yugoslavia	1992
Mr. Rüdiger WOLFRUM*	Germany, Federal Republic of	1994
Mr. Mario Jorge YUTZIS	Argentina	1992

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* Elected on 16 January 1990.

** Re-elected on 16 January 1990.

7. All members of the Committee attended the thirty-eighth session, except that Mr. Aboul-Nasr attended from 6 to 16 August, Mr. Ahmadu from 10 to 25 August, Mr. Foighel from 6 to 18 August, Mr. Lamptey from 6 to 20 August and Mr. Sherifis from 7 to 22 August 1990.

D. Solemn declaration

8. During early meetings of the thirty-eighth session, those members of the Committee who were elected or re-elected by the 13th meeting of States parties made a solemn declaration in accodance with rule 14 of the rules of procedure of the Committee.

E. Election of officers

9. At its 863rd meeting, held on 6 August 1990, the Committee elected the following officers for a term of two years (1990-1991), in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Agha SHAHI

Vice-Chairmen: Mr. Eduardo FERRERO COSTA
Mr. George O. LAMPTEY
Mr. Kazimir VIDAS

Rapporteur: Mr. Michael Parker BANTON

F. Preparation, production and adoption of the report

10. Upon the adoption of the report, the Committee agreed to draw the attention of the General Assembly to a serious problem impeding the effective functioning of the Committee in recent years. The reduction in time resulting from cancellation of its scheduled sessions has created serious strains on the Committee's ability to carry out its work, and on the preparation and production of its annual report.

G. Meetings of the Committee in 1991 and 1992

11. At its 884th meeting, on 21 August 1990, the Committee was informed of the dates and venue of its sessions to be held in 1991 and 1992, as follows:

Thirty-ninth session	- United Nations Office at Geneva, from 4 to 22 March 1991
Fortieth session	- United Nations Office at Geneva, from 5 to 23 August 1991
Forty-first session	- United Nations Office at Geneva, from 2 to 20 March 1992
Forty-second session	- United Nations Office at Geneva, from 3 to 21 August 1992.

12. The Committee was informed by the representative of the Secretary-General that, in accordance with a decision taken by the United Nations Controller, the actual convening and duration of each of the above-mentioned sessions would depend on the receipt and availability of sufficient contributions from States parties that were responsible for the expenses of the members of the Committee under article 8, paragraph 6, of the Convention. The Committee took note of this information.

H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

13. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), 2/ representatives of both organizations attended the sessions of the Committee.

14. At the thirty-eighth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventy-seventh session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for co-operation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Indigenous and Tribal Populations Convention, 1957 (No. 107), as well as other information in the report relevant to its activities.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-FOURTH SESSION

15. The Committee considered this item at its 881st and 882nd metings, held on 17 and 20 August 1990. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/44/539);

(b) Report of the Secretary-General on the question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination (A/44/593);

(c) Note by the Secretary-General transmitting the study by an independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668);

(d) Relevant summary records of the Third Committee (A/C.3/44/SR.3-11, 15, 21, 23, 48 and 50-60);

(e) Reports of the Third Committee (A/44/716 and A/44/849);

(f) General Assembly resolutions 44/68 and 44/135 of 8 and 15 December 1989;

(g) Commission on Human Rights resolutions 1990/21 and 1990/25.

A. Action by the General Assembly at its forty-fourth session on the annual report submitted by the Committee under article 9, paragraph 2, of the Convention

16. The Rapporteur of the Committee introduced sub-item (a) of this item at the 881st meeting of the Committee. He observed that the report of the Committee had been considered by the General Assembly at its forty-fourth session jointly with other matters, mainly the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and an item on self-determination and decolonization. Nearly half the representatives of States who participated in the debate mentioned the work of the Committee. Practically all of them referred to the shortfall in payments by States Parties, urging that this be rectified and that States Parties collaborate in finding a long-term solution. It was said that the Committee played a central role in the struggle against racial discrimination. The cancellation of the spring session was described as unacceptable. The proposal for a commemorative session to evaluate the Committee's work was commended. More publicity should be given to it. In its resolution 44/68, the General Assembly invited the Secretary-General to do everything possible to ensure that funds were available to meet the costs of the meetings of the Committee in 1990, including the expenses of its members; it invited States parties to decide on administrative and legal measures to improve the financial situation of the Committee.

B. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

17. The Rapporteur of the Committee introduced sub-item (b) of this item at the 882nd meeting of the Committee, and referred, in particular, to the study by an independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations human rights instruments (A/44/668). The Committee warmly endorsed the study in general, and commented in specific terms on the conclusions and recommendations relating to its work.

18. The Committee observed that some States parties, when submitting reports under article 9 of the Convention, had supplied information about human rights in general that was not particularly relevant to the provisions of the Convention; that tended to distract attention from the absence of information about matters on which information should have been supplied. In that respect, the Committee was concerned that the adoption of consolidated guidelines for the initial part of reports of States parties (A/44/539, annex) might aggravate that problem. It was suggested that in addition to the proposed guidelines, some Sates parties might find it helpful to be furnished with a model report.

19. The Committee observed that some specific conclusions and recommendations will be raised with representatives of States parties when considering reports submitted by their Governments under article 9, paragraph 1, of the Convention. They noted that other conclusions and recommendations were already the practice of the Committee, while further recommendations would be considered under the specific mandate and practice of the Committee.

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Status of submission of reports by States parties

1. Reports received by the Committee

20. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its thirty-eighth session (24 August 1990), a total of 1,052 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 127 initial reports, 126 second periodic reports, 127 third periodic reports, 120 fourth periodic reports, 108 fifth periodic reports, 104 sixth periodic reports, 96 seventh periodic reports, 84 eighth periodic reports, 73 ninth periodic reports, 51 tenth periodic reports and 36 eleventh periodic reports.

21. By the end of the thirty-eighth session, a total of 800 reports had been received by the Committee as follows: 121 initial reports, 111 second periodic reports, 107 third periodic reports, 100 fourth periodic reports, 88 fifth periodic reports, 80 sixth periodic reports, 71 seventh periodic reports, 58 eighth periodic reports, 42 ninth periodic reports, 21 tenth periodic reports and one eleventh periodic report.

22. In addition, 73 supplementary reports containing additional information were received from the States parties, submitted either on the initiative of the States parties concerned or at the request of the Committee following its examination of their respective initial or periodic reports under the Convention.

23. During the period under review, i.e., between the closing dates of the Committee's thirty-seventh and thirty-eighth sessions (1 September 1989 and 24 August 1990), 17 reports were received by the Committee: one third periodic report, two fourth periodic reports, one sixth periodic report, two seventh periodic reports, three eighth periodic reports, four ninth periodic reports, two tenth periodic reports and one eleventh periodic report. One supplementary report was also received during the period under review.

24. The relevant information concerning all reports received during the period under review is contained in table 1 below.

25. As the information in table 1 shows, none of the 16 reports received during the period under review were submitted on time or before the deadline provided for under article 9, paragraph 1, of the Convention. They were all submitted after a delay, ranging from a few weeks to over two years.

Table 1. Reports received during the period under review
(1 September 1989 to 24 August 1990)

State party	Type of report	Date on which the report was due	Date on which the report was submitted
Portugal	Third report	23 September 1987	7 August 1990
China	Fourth report	28 January 1989	30 March 1990
Portugal	Fourth report	23 September 1989	7 August 1990
Republic of Korea	Sixth report	4 January 1990	5 July 1990
Italy	Seventh report	4 February 1989	19 February 1990
Jordan	Seventh report	30 June 1987	31 October 1989
Haiti	Eighth report	18 January 1988	7 March 1990
Jordan	Eighth report	30 June 1989	31 October 1989
New Zealand	Eighth report	22 December 1987	19 June 1990
Cuba	Ninth report	16 March 1989	2 October 1989
Haiti	Ninth report	18 January 1990	7 March 1990
Netherlands	Ninth report	9 January 1989	14 December 1989 16 July 1990
New Zealand	Ninth report	22 December 1989	19 June 1990
Canada	Tenth report	12 November 1989	25 January 1990
Iraq	Tenth report	15 February 1989	9 October 1989
Union of Soviet Socialist Republics	Eleventh report	5 March 1990	2 August 1990

2. Reports not yet received by the Committee

26. By the closing date of the thirty-eighth session of the Committee, 252 reports expected from 103 States parties before that date had not yet been received. They comprised 6 initial reports, 15 second periodic reports, 20 third periodic reports, 20 fourth periodic reports, 20 fifth periodic reports, 24 sixth periodic reports, 25 seventh periodic reports, 26 eighth periodic reports, 31 ninth periodic reports,

30 tenth periodic reports and 35 eleventh periodic reports. In addition, one supplementary report requested by the Committee was not received. Table 2 below provides the relevant information on these reports.

Table 2. Reports that were due before the closing date of the thirty-eighth session (24 August 1990) but have not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	21
	Fifth report	5 January 1978	17
	Sixth report	5 January 1980	15
	Seventh report	5 January 1982	11
	Eighth report	5 January 1984	7
	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	22
	Fifth report	6 May 1978	18
	Sixth report	6 May 1980	16
	Seventh report	6 May 1982	10
	Eighth report	6 May 1984	6
	Ninth report	6 May 1986	1
	Tenth report	6 May 1988	-
	Eleventh report	6 May 1990	-
Liberia	Initial report	5 December 1977	18
	Second report	5 December 1979	14
	Third report	5 December 1981	10
	Fourth report	5 December 1983	7
	Fifth report	5 December 1985	3
	Sixth report	5 December 1987	-
	Seventh report	5 December 1989	-
Guyana	Initial report	17 March 1978	18
	Second report	17 March 1980	14
	Third report	17 March 1982	10
	Fourth report	17 March 1984	7
	Fifth report	17 March 1986	3
	Sixth report	17 March 1988	-
	Seventh report	17 March 1990	-
Guinea	Second report	13 April 1980	14
	Third report	13 April 1982	10
	Fourth report	13 April 1984	6
	Fifth report	13 April 1986	1
	Sixth report	13 April 1988	-
	Seventh report	13 April 1990	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Zaire	Third report	21 May 1981	12
	Fourth report	21 May 1983	8
	Fifth report	21 May 1985	4
	Sixth report	21 May 1987	1
	Seventh report	21 May 1989	-
Gambia	Second report	28 January 1982	11
	Third report	28 January 1984	7
	Fourth report	28 January 1986	3
	Fifth report	28 January 1988	-
	Sixth report	28 January 1990	-
Côte d'Ivoire	Fifth report	4 February 1982	11
	Sixth report	4 February 1984	7
	Seventh report	4 February 1986	3
	Eighth report	4 February 1988	-
	Ninth report	4 February 1990	-
Lebanon	Sixth report	12 December 1982	9
	Seventh report	12 December 1984	5
	Eighth report	12 December 1986	2
	Ninth report	12 December 1988	-
Gabon	Second report	30 March 1983	8
	Third report	30 March 1985	4
	Fourth report	30 March 1987	1
	Fifth report	30 March 1989	-
Togo	Sixth report	1 October 1983	7
	Seventh report	1 October 1985	3
	Eighth report	1 October 1987	-
	Ninth report	1 October 1989	-
Uganda	Second report	21 December 1983	7
	Third report	21 December 1985	3
	Fourth report	21 December 1987	-
	Fifth report	21 December 1989	-
Uruguay	Eighth report	5 January 1984	5
	Ninth report	5 January 1986	2
	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Fiji	Sixth report	11 January 1984	5
	Seventh report	11 January 1986	2
	Eighth report	11 January 1988	-
	Ninth report	11 January 1990	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Bahamas	Fifth report	5 August 1984	6
	Sixth report	5 August 1986	2
	Seventh report	5 August 1988	-
	Eighth report	5 August 1990	-
Belgium	Fifth report	6 September 1984	5
	Sixth report	6 September 1986	2
	Seventh report	6 September 1988	-
Somalia	Fifth report	27 September 1984	5
	Sixth report	27 September 1986	2
	Seventh report	27 September 1988	-
Cape Verde	Third report	2 November 1984	5
	Fourth report	2 November 1986	2
	Fifth report	2 November 1988	-
Lesotho	Seventh report	4 December 1984	5
	Eighth report	4 December 1986	2
	Ninth report	4 December 1988	-
Saint Vincent and the Grenadines	Second report	9 December 1984	5
	Third report	9 December 1986	2
	Fourth report	9 December 1988	-
El Salvador	Third report	30 December 1984	5
	Fourth report	30 December 1986	2
	Fifth report	30 December 1988	-
Papua New Guinea	Second report	26 February 1985	5
	Third report	26 February 1987	2
	Fourth report	26 February 1989	-
Zambia	Seventh report	5 March 1985	5
	Eighth report	5 March 1987	2
	Ninth report	5 March 1989	-
Suriname	Initial report	15 March 1985	5
	Second report	15 March 1987	2
	Third report	15 March 1989	-
Solomon Islands	Second report	17 March 1985	5
	Third report	17 March 1987	2
	Fourth report	17 March 1989	-
Botswana	Sixth report	22 March 1985	5
	Seventh report	22 March 1987	2
	Eighth report	22 March 1989	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Lao People's Democratic Republic	Sixth report	24 March 1985	4
	Seventh report	24 March 1987	1
	Eighth report	24 March 1989	-
Viet Nam	Second report	9 July 1985	4
	Third report	9 July 1987	1
	Fourth report	9 July 1989	-
Greece	Eighth report	19 July 1985	3
	Ninth report	19 July 1987	1
	Tenth report	19 July 1989	-
Burkina Faso	Sixth report	18 August 1985	4
	Seventh report	18 August 1987	-
	Eighth report	18 August 1989	-
Bolivia	Eighth report	21 October 1985	3
	Ninth report	21 October 1987	-
	Tenth report	21 October 1989	-
Bulgaria	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Iran (Islamic Republic of)	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Tunisia	Ninth report	5 January 1986	3
	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Guatemala	Second report	17 February 1986	2
	Third report	17 February 1988	-
	Fourth report	17 February 1990	-
Central African Republic	Eighth report	14 April 1986	2
	Ninth report	14 April 1988	-
	Tenth report	14 April 1990	-
Sudan	Fifth report	20 April 1986	2
	Sixth report	20 April 1988	-
	Seventh report	20 April 1990	-
Mozambique	Second report	18 May 1986	2
	Third report	18 May 1988	-
	Fourth report	18 May 1990	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Syrian Arab Republic	Ninth report	20 May 1986	1
	Tenth report	20 May 1988	-
	Eleventh report	20 May 1990	-
Jamaica	Eighth report	5 July 1986	2
	Ninth report	5 July 1988	-
	Tenth report	5 July 1990	-
Afghanistan	Second report	5 August 1986	2
	Third report	5 August 1988	-
	Fourth report	5 August 1990	-
Chad	Fifth report	16 September 1986	1
	Sixth report	16 September 1988	-
Peru	Eighth report	30 October 1986	2
	Ninth report	30 October 1988	-
Trinidad and Tobago	Seventh report	4 November 1986	1
	Eighth report	4 November 1988	-
Cambodia	Second report	28 December 1986	2
	Third report	28 December 1988	-
Nicaragua	Fifth report	17 March 1987	1
	Sixth report	17 March 1989	-
Sri Lanka	Third report	20 March 1987	2
	Fourth report	20 March 1989	-
Mauritius	Eighth report	29 June 1987	1
	Ninth report	29 June 1989	-
United Arab Emirates	Seventh report	21 July 1987	-
	Eighth report	21 July 1989	-
Mali	Seventh report	15 August 1987	-
	Eighth report	15 August 1989	-
Romania	Ninth report	14 October 1987	-
	Tenth report	14 October 1989	-
United Republic of Tanzania	Eighth report	26 November 1987	-
	Ninth report	26 November 1989	-
Barbados	Eighth report	10 December 1987	-
	Ninth report	10 December 1989	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Brazil	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Costa Rica	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Ghana	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Iceland	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
India	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Kuwait	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Nigeria	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Pakistan	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Panama	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Poland	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Spain	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Venezuela	Tenth report	5 January 1988	-
	Eleventh report	5 January 1990	-
Morocco	Ninth report	17 January 1988	-
	Tenth report	17 January 1990	-
Israel	Fifth report	2 February 1988	-
	Sixth report	2 February 1990	-
Nepal	Ninth report	1 March 1988	-
	Tenth report	1 March 1990	-
Madagascar	Tenth report	8 March 1988	-
	Eleventh report	8 March 1990	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Mexico	Seventh report	22 March 1988	-
	Eighth report	22 March 1990	-
Bangladesh	Fifth report	11 July 1988	-
	Sixth report	11 July 1990	-
France	Ninth report	28 August 1988	-
Australia	Seventh report	30 October 1988	-
Chile	Ninth report	20 November 1988	-
Algeria	Ninth report	15 March 1989	-
Tonga	Ninth report	17 March 1989	-
Seychelles	Sixth report	6 April 1989	-
Senegal	Ninth report	18 May 1989	-
Maldives	Third report	24 May 1989	-
Luxembourg	Sixth report	1 June 1989	-
Austria	Ninth report	8 June 1989	-
Ethiopia	Seventh report	25 July 1989	-
Congo	Initial report	10 August 1989	-
Norway	Tenth report	6 September 1989	-
Antigua and Barbuda	Initial report	25 October 1989	-
Yemen a/			
Namibia	Fourth report	11 December 1989	-
Argentina	Eleventh report	5 January 1990	-
Cyprus	Eleventh report	5 January 1990	-
Czechoslovakia	Eleventh report	5 January 1990	-
Ecuador	Eleventh report	5 January 1990	-
Egypt	Eleventh report	5 January 1990	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Hungary	Eleventh report	5 January 1990	-
Libyan Arab Jamahiriya	Eleventh report	5 January 1990	-
Niger	Eleventh report	5 January 1990	-
Philippines	Eleventh report	5 January 1990	-
Yugoslavia	Eleventh report	5 January 1990	-
Ukrainian Soviet Socialist Republic	Eleventh report	5 April 1990	-
United Kingdom of Great Britain and Northern Ireland	Eleventh report	5 April 1990	-
German Democratic Republic	Ninth report	26 April 1990	-
Byelorussian Soviet Socialist Republic	Eleventh report	7 May 1990	-
Rwanda	Eighth report	16 May 1990	-
Holy See	Eleventh report	1 June 1990	-
Germany, Federal Republic of	Eleventh report	14 June 1990	-
Dominican Republic	Fourth report	24 June 1990	-
Malta	Tenth report	26 June 1990	-
Cameroon	Tenth report	24 July 1990	-

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[a] On 22 May 1990, the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to a single sovereign State called the Republic of Yemen, with Sana'a as its capital. The then People's Democratic Republic of Yemen acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on 18 October 1972, and its ninth periodic report was due on 19 November 1989, but has not yet been received. The then Yemen Arab Republic, on the other hand, acceded to the Convention on 6 April 1989, and its initial report was due on 6 May 1990, but has not yet been received.

3. Action taken by the Committee to ensure submission of reports by States parties

27. At its 884th meeting, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

28. The Committee decided to draw the urgent attention of the General Assembly to the list of overdue reports contained in table 2 above, requesting it to take appropriate measures and to urge the States parties concerned to submit their overdue reports as soon as possible, as required under article 9 of the Convention. It was observed that, in order to overcome the problem of non-submission of reports, it may assist States parties, if, apart from the general guidelines, a model report could be prepared that the reporting States could consult.

29. The Committee further decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure, to continue sending appropriate reminders to States parties from which two or more reports were due before the closing date of its thirty-seventh session but had not been received, asking them to submit their reports by 31 December 1989. The Committee agreed that the reminders to be sent by the Secretary-General should indicate that all their overdue reports could be submitted in one consolidated document by the proposed date. It also agreed that those States parties which had fulfilled their reporting obligations, should be requested to submit further comprehensive reports on every second occasion when the reports were due, i.e., every four years, and to submit brief updating reports on each intervening occasion when the reports were due under the Convention. States parties whose reports are overdue are listed in table 2 above.

30. In that connection, the Committee wished to recall once again that rule 66 of its rules of procedure provides that:

> "1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.
>
> "2. If, even after the reminder, referred to in paragraph 1 of this rule, the State party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly."

In accordance with paragraph 2 of rule 66, the Committee wishes to draw the attention of the General Assembly to the relevant information contained in table 2 above, as well as to the action taken by the Committee to ensure submission of reports by States parties.

31. The Committee wished to repeat once again a statement that it made at its first session and that was communicated to all States parties and to the General Assembly:

> "The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2 of the Convention." 3/

B. Consideration of reports

32. At its thirty-eighth session, the Committee examined 41 reports submitted by States parties under article 9 of the Convention. Nine reports, from Barbados, Canada, Iraq, Ukrainian SSR, United Kingdom and Yemen, initially scheduled for consideration at the thirty-eighth session, were postponed to the thirty-ninth session at the request of the respective Governments. In addition, the Committee considered the ninth periodic report of New Zealand. The Committee devoted 18 of the 26 meetings it held in 1990 to the discharge of its obligations under article 9 of the Convention.

33. In accordance with rule 64 of its rules of procedure, the Committee continued the practice, started at its sixth session, of requesting the Secretary-General to inform the States parties concerned, except Haiti, of the dates on which their respective reports would be considered by the Committee and to send representatives to participate in the examination of their respective reports.

34. At its thirty-eighth session, the Committee continued to follow the system of country rapporteurs during its examination of reports submitted by States parties (see annex III). This procedure had been decided upon at the thirty-sixth session, with a view to improving and streamlining the Committee's method of examination of reports. The Committee believes that the system of country rapporteurs has reduced the time for consideration of each State report and enhanced the dialogue with representatives of States parties. The Committee noted with satisfaction the fruitful dialogue it had developed with representatives of reporting States present at its meetings, and urged that all States parties should endeavour to send representatives when their reports were being examined.

35. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports of States parties, contain a summary of the views expressed, observations made and questions asked by the members of the Committee on the reports of the States parties concerned, as well as the substantive elements of the replies given by the representatives of the States parties present at the meetings.

Jordan

36. The sixth periodic report of Jordan (CERD/C/130/Add.3) and the seventh and eighth periodic reports, submitted in one document (CERD/C/183/Add.1), were considered by the Committee at its 864th meeting, held on 7 August 1990 (CERD/C/SR.864).

37. The reports were introduced by the representative of the reporting State, who assured the Committee of the total support of his Government. He pointed out that the Government of Jordan had addressed the question of minorities, in particular, the nomadic population of the desert, and had taken certain measures in their favour. With regard to article 2 of the Convention, the representative referred to

article 6 of the Jordanian Constitution, which stipulated that Jordanians were equal before the law, and that there was no discrimination among them with regard to their rights or obligations based on race, language or religion, and also noted that article 101 of the Constitution made courts accessible to all citizens. In addition, he said that recent legislation had extended to women the right to vote and to stand as candidates in elections, both at the local and national levels.

38. The representative of the reporting State further noted that the Jordanian Penal Code made racial discrimination a crime but that no case of racial discrimination had been brought before the courts thus far. The Government had also taken a number of measures in the fight against racial discrimination in the field of education and culture.

39. Members of the Committee noted that the report of Jordan had been drawn up in accordance with the general guidelines and contained information and interesting analysis, particularly concerning article 5 of the Convention. Recalling that during the examination of the fifth periodic report certain details were sought from Jordan concerning trade unions and the demographic composition of the population, members expressed satisfaction that such information had been provided in the eighth periodic report.

40. With regard to the right to work, members requested an explanation of the statement in the eighth periodic report that candidates for naturalization should not compete with Jordanians in the labour market; such a stipulation might have a discriminatory effect. They also asked whether the precedence given to Arab workers over foreign workers was compatible with article 5 (e) (i) of the Convention, and wished to know what the percentage was of those actively employed relative to the whole population. A question was asked about the extent to which members of minorities participated in the political life of Jordan, especially the extent to which they were represented in Parliament. In this connection, it was noted that earlier candidates for election to the Jordanian parliament must have been Jordanian citizens for at least five years. By Law 26 of 1986 that had been increased to 10 years. It was asked what were the reasons and whether that situation did not hinder the participation of immigrants in political life.

41. Members also wished to know what limits were fixed by law concerning the right to freedom of opinion and expression, and whether it was possible to have political parties based on ethnic origin. Additionally, members of the Committee wished to know what measures had been taken by the Government in favour of the Bedouins; what differences, if any, existed between the desert regions and the other regions; and what was the percentage of children of the nomadic population attending school.

42. Finally, members wished to know how many Jordanians of Palestinian origin lived outside the 10 established camps; what was the status of the Palestinian refugees; and whether such refugees were free to settle in any part of the country.

43. In response to the questions raised by members of the Committee, the representative stated that in Jordan citizens were free to use all the methods of expression available, within the limits of the law. The elections of 1989 were free and subsequently freedom of the press had been expanded.

44. With regard to the questions raised under article 4 of the Convention, he said that whoever, in time of war or peace, made propaganda aimed at inciting racial or

religious intolerance was subject to punishment pursuant to article 130 of the Penal Code of 1960.

45. Concerning the questions on minorities, he explained that according to two recent electoral laws certain seats in parliament were reserved to minorities. The Province (le Gouvernorat) of Amman and the city of Amman itself had, for example, six Muslim representatives, of which one was Circassien or Chéchéne, as well as one Christian representative. Generally, most of the provinces in Jordan had reserved seats for minorities.

46. In response to questions raised relating to the right to work, the representative stated that the Labour Code made no distinction between Jordanian workers and foreign workers. However, Arab workers were given priority over other foreign workers on the basis of agreements Jordan had entered into in the framework of the Arab League.

47. In response to the questions of members relating to Palestinian refugees, the representative said that they enjoyed the same rights as Jordanian citizens; that Palestinian citizens and Jordanian citizens were absolutely equal before the law and that Palestinians were free to travel throughout the country and to settle in any region of their choice.

48. The representative informed the Committee that any questions that he had not been able to answer, particularly relating to statistics, would be answered in the next periodic report.

Denmark

49. The eighth and ninth periodic reports of Denmark (CERD/C/158/Add.8 and CERD/C/184/Add.2) were considered by the Committee at its 864th and 865th meetings, held on 7 August 1990 (CERD/C/SR.864 and SR.865).

50. The reports were introduced by the representative of the reporting State, who indicated that the ninth periodic report of his country, prepared in 1989, was a simple updating of the eighth periodic report. The information supplied was still valid except for certain statistics concerning the population. Denmark remained strongly opposed to *apartheid* and continued to apply economic sanctions. All economic sanctions against Namibia had been lifted as soon as that country became independent.

51. The representative stated that there were a number of minorities in his country and the Government was perfectly conscious of the necessity to defend the principle of equality before the law as well as to prevent all acts or manifestations that went against that principle and against the profound sentiment of the Danish population, for whom all men were equal.

52. Members of the Committee congratulated the Danish Government on its reports and commended its efforts to ensure respect for human rights and its fight against racial discrimination. The decision of the Danish Parliament to provide funds for a campaign of information and education aimed at familiarizing the Danish population with refugees and migrant workers was commendable and would help to dispel prejudices and to reduce racial discrimination. It was also encouraging to note that sports organizations were creating a fund to improve the participation of refugees and migrant workers in sports.

53. Members wished to know whether, in view of the increase in the number of immigrants to 2.8 per cent of the population in January 1989, any specific measures had been taken to prevent possible racial discrimination against immigrants and refugees. They also asked whether that increase had given rise to reactions of intolerance or discrimination in the schools.

54. With regard to Greenland, members of the Committee wished to know why a high percentage of people in the civil service there had been born outside Greenland, and why those in Greenland who came from the outside earned more than the natives. It was also asked whether people from Greenland, the Faeroes Islands and the German minority enjoyed full human rights, such as the right to be taught one's language and to receive instruction in that language; and whether minority languages could be used in public institutions, such as courts of law. A member inquired whether the people of Greenland had the right to a European Community passport; these were supposed to be for persons born within the territory of the Community.

55. With reference to article 3 of the Convention, members said that the position of Denmark with regard to the application of sanctions against South Africa was commendable. However, they wished to know the extent of Danish investments in South Africa in 1990 and how the Danish Government was able to verify that the five Danish companies operating in South Africa complied with the requirements of the revised European Economic Community Code of Conduct. Members also asked whether the total prohibition of Danish companies from operating in South Africa was envisaged and why the Danish Government was considering re-establishing diplomatic relations with South Africa.

56. Many members asked questions about the action taken against the so-called "green jackets" mentioned in the report. These were young people who claimed to share the views of the Ku Klux Klan and who engaged in racial attacks upon ethnic minority persons. They said that the police did not arrest them since they thought that these were just "boyish tricks". In 1985 they allowed themselves to be interviewed in two newspapers. They were then interviewed at length by two journalists who used quotations from the interviews for a radio broadcast. The "green jackets" and journalists were convicted for the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination contrary to paragraph 4 (a) of the Convention. The journalists twice appealed against this conviction. The Danish Supreme Court interpreted the Danish Law 266 B so as to stress the objective fact of dissemination and to exclude consideration of the intent of the broadcasters. Some members welcomed this decision as the clearest statement yet, in any country, that the right to protection against racial discrimination took precedence over the right to freedom of expression. Other members thought that in such cases the facts needed to be considered in relation to both rights. It was noted that apparently the attention of the Supreme Court had not been drawn to the Committee's discussion of the issue in 1986 at the request of the Netherlands. 4/

57. Questions were also asked about the allocation of housing in Ishöj. At a time when migrant workers and their families constituted 10 per cent of the population, the mayor recommended housing associations to reduce the allocation of housing to immigrants in order to guard against hostility from the local population. He claimed that that was permitted by article 1, paragraph 4, of the Convention. The Prosecutor General, the Ombudsman, the Housing Department, and the Folketing all became involved. The Housing Department had recently declared that it could be relevant, in a specific case, to bring an applicant's nationality into

consideration. It was asked if this represented general government policy. Another member detected inconsistencies, firstly, in the initiation of legal proceedings and secondly between a strict interpretation of article 4 (a) obligations and a lax interpretation of article 1, paragraph 4.

58. It was suggested that the exercise of administrative discretion, which included the obligation to apply a fair procedure, did not meet in full the obligation under article 2 of the Convention. Members expressed surprise that there did not appear to be any provision in Danish law forbidding racial discrimination by public authorities and institutions in conformity with article 2, paragraph 1 (a).

59. With reference to article 5 of the Convention, information was requested regarding measures the Danish Government had taken to ensure to all, without discrimination, the right to work, equal pay for equal work, free choice of employment and protection against unemployment. Additionally, it was asked whether effective protection and compensation was provided for persons who suffered discrimination when applying for work. It was also suggested that at some stage the Committee might compare the relative effectiveness in the field of State measures relying upon criminal prosecutions, civil law remedies and action under the Labour Code, with a view to making a general recommendation to States parties.

60. Several members were concerned about reports of a rising trend of xenophobia, often directed against refugees, and measures to counteract such a tendency. More information was requested about the body representing immigrant minorities and about the way in which the Government consulted with it. It was noted that many new immigrants, such as those from the Far and Middle East, claimed exemption from some obligations, such as the requirement that boys and girls participate equally in physical education classes at school.

61. Noting that the book, "The Satanic Verses", which was insulting to Islam and Muslims and was blasphemous, had been published in Denmark, members wished to know what yardstick Denmark used to establish the borderline between freedom of expression and offensive or discriminatory utterances and acts.

62. In replying to questions raised and observations made by members of the Committee, the representative of the State party said that, with regard to the Danish investments in South Africa, there were at present four Danish companies operating in that country. Two years earlier there had been six and the previous year five. That downward trend caused him to doubt that Danish investments in South Africa represented a considerable sum. He explained that Denmark had never severed diplomatic relations with South Africa. With the transfer of the headquarters of the African National Congress of South Africa to Johannesburg, his Government had considered that, in order to be able to conduct high-level talks with that organization, it was imperative to re-open the Danish mission, which had been closed in 1985. That step had in no way changed his Government's general policy towards South Africa. The sanctions decided upon by the Nordic countries and the European Community would remain in force until such time as a radical and irreversible change took place in that country.

63. Concerning the case of the "green jackets", he said that the Supreme Court had dealt only with journalists because the conviction of the "green jackets" themselves had not been appealed. The "green jackets" had committed other crimes and had been sentenced to lengthy prison terms. The relevant Supreme Court judgements would be supplied to the Committee after they had been translated.

64. With reference to the questions relating to Greenland, the representative recalled that Greenland had acquired home rule nearly 10 years previously. The situation was changing and the number of persons employed in the administration who had been born and educated there was increasing. As to the difference in the level of income between persons born in Greenland and those born elsewhere, it had been considered necessary to provide a higher remuneration to the latter group, who had had to relinquish normal family ties and to travel to Greenland. The home rule authority had recently decided to abolish that difference in remuneration. Greenland and the Faeroes Islands had two representatives in parliament even though the size of their population did not warrant it. Greenland and the Faeroes Islands had their own recognized languages in which official documents and laws were published. It was possible to study in Greenlandic and Faeroese in mainland Denmark, but only at the university level.

65. The representative stated that the number of foreigners living in Denmark was still relatively small; there was little racial tension. Sadly, however, there had been a clash recently between asylum seekers and local residents, which was being investigated. Denmark was trying to foster tolerance and it has provided a multi-cultural education for its people. In one town where immigrants accounted for 13 per cent of the population, the schools used 12 or more different languages.

66. With regard to the right to work, the representative drew the attention of the Committee to the high rate of unemployment in his country and said that it was necessary to provide foreigners with education so that they would be able to obtain employment. Steps were being taken to provide schools and vocational training for them. The issue of quotas for accommodations for immigrants in certain areas was not a serious issue, since the rule which had limited the number of foreigners in buildings, in which foreigners already resided, had only been used in six cases. After three years of residence, foreigners were eligible to stand in local elections in Denmark.

67. In responding to questions relating to the publication of the book "The Satanic Verses", the representative said that there was a difference between a defamatory utterance directed towards a person or group of persons, and a statement denigrating a religious or other belief as such. Thus, insulting comments about Jews or Muslims, for example, were punishable under Danish law, but the same was not true in the case of hostility to the Koran. At the same time, article 140 of the Penal Code did stipulate that anyone publicly denigrating a religious belief or those professing it was liable to imprisonment. A similar provision applied to anyone making threatening statements against persons because of their race, colour, national or ethnic origin or their beliefs. There had been no request to the Prosecutor General to initiate proceedings against Salman Rushdie's book "The Satanic Verses", and in such a case the issue of literary value would also have to be taken into account.

68. Finally, referring to the comment that the reports made no reference to article 5 of the Convention, the representative said that a basic principle of the constitutional system in Denmark was that everyone was equal under the law. Consequently, there was no need for the reports to make specific reference, for example, to rules ensuring that foreigners had access to courts.

Bangladesh

69. The second, third and fourth periodic reports of Bangladesh, submitted in one consolidated document (CERD/C/144/Add.3), were considered by the Committee at its 866th meeting, held on 8 August 1990 (CERD/C/SR.866).

70. The report was introduced by the representative of the reporting State, who said that Bangladesh was totally committed to the eradication of racism in all its forms and gave unswerving support to all oppressed people in their struggle against racial discrimination. The Constitution encompassed the fundamental principles of human rights, which were enforceable under the law.

71. Members of the Committee thanked the representative for his presentation of the report. They expressed concern, however, at the brevity of the report, noting that the sparsity of the information provided made it difficult for them to fulfil their responsibilities under the Convention. Members requested, therefore, that the next periodic report of Bangladesh should be prepared in accordance with article 9 of the Convention and the Committee's guidelines.

72. Members wished to know what legal measures had been adopted to guarantee the implementation of the Convention under domestic law, particularly since paragraph 7 of the report stated that it could not be invoked before or directly enforced by the courts. It was asked whether sanctions existed, under domestic legislation, covering violations of article 28 of the Constitution. Noting from paragraph 9 of the report that the Constitution had been suspended during the period of martial law from 1982 to 1986, members wished to know whether the Constitution had been suspended again since that date. If so, they wished to know what laws were applicable in such circumstances.

73. With reference to article 1 of the Convention, members requested that the next periodic report of Bangladesh should contain demographic statistics, particularly concerning minorities. In that same connection, members wished to know what percentage of the population was regarded as falling within the so-called backward section of society; whether that section was composed primarily of indigenous people; whether they were given preference in major development programmes; and how the Government was ensuring that they continued to live according to their original customs.

74. In connection with article 2 of the Convention, it was asked whether the alleged practice of reprisals by the security forces against the tribal people of the Chittagong Hill Tracts had diminished, whether such tribal people participated in the election of the President and Parliament; whether they were allocated seats in Parliament; whether local authorities had been established for them; and whether the Government had succeeded in discouraging settlers from moving into the region. Members also wished to know whether the Biharis, or "stranded Pakistanis", remaining in Bangladesh pending resettlement in Pakistan, could apply for Bangladesh citizenship; what status was given to persons who had applied unsuccessfully for Pakistani citizenship, what specific steps the Government had taken to create conditions for the Chakma refugees to return to Bangladesh from India; whether a solution had been reached to the problems created by the illegal immigrants from Bangladesh to India; and whether a legal framework had been formulated to implement a decision regarding the vested properties of Hindus who had migrated to India.

75. With reference to article 3 of the Convention, it was noted that, although Bangladesh's abhorrence of *apartheid* was well known, the report had not provided specific information on that issue. A request was made that the next periodic report should rectify that omission.

76. With regard to article 4 of the Convention, it was asked whether domestic legislation provided for the punishment of the crime of racial discrimination.

77. Turning to article 5 of the Convention, members requested further information on the Penal Code, particularly since the report indicated that the Code provided protection against religious intolerance but not racial discrimination. Information was also sought on the results of government investigations into isolated incidents of harassment and acts of vandalism against minority religious groups and about paragraph 6 of the report, referring to customary and personal laws. In addition, clarification was requested of government control of the press, including formal and informal censorship, temporary closure of newspapers and the arrest and intimidation of journalists, which were prohibited under article 5 (d) (viii) of the Convention.

78. With reference to article 6 of the Convention, members congratulated Bangladesh for having amended the Constitution in 1988 to establish permanent benches of the High Court division in six regions, affording better service to the majority of the population, and expressed satisfaction that a training programme for lawyers had been established by a human rights group. They requested that the next periodic report should contain details of any cases of human rights violations brought before those courts.

79. In response to questions raised by members of the Committee, the representative stated that all the issues raised would be transmitted to his Government, and any information he was unable to supply would be provided in his country's next periodic report.

80. With reference to the status of the Convention in domestic legislation, the representative explained that international law, as such, could not be invoked in the courts but had to be incorporated into national law before it became legally enforceable. However, the laws of Bangladesh were in conformity with the Convention and there was no conflict concerning that issue. Laws prohibiting racial discrimination remained in force even during abnormal situations such as martial law.

81. With regard to questions raised under article 1 of the Convention, the representative said that the reference in the report to provisions for backward sections of society related to economically disadvantaged groups within the country. Such provisions included special employment quotas for women. The Government had established a five-year plan to decentralize industrial activities in order to provide the same opportunity for economic wealth to all sections of the population.

82. In response to questions raised under article 2 of the Convention, the representative stated that information on the situation of the tribal people of the Chittagong Hill Tracts had been provided to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and visits had been made to the region by Amnesty International and other interested non-governmental organizations. In its decision 1989/109, the Sub-Commission had expressed its satisfaction with the

progress made in respect of the treatment by his country of its tribal population. New laws had been adopted by Parliament in February 1989 specifically directed towards self-government by the tribal peoples of the Chittagong Hill Tracts. Details of the laws had been provided to the Sub-Commission and the Centre for Human Rights. Following free and fair elections in May 1989, witnessed by the international media, three District Councils had been established in the area. Those Councils have been functioning since July 1989. The Chairmen of the Councils, who had the status of Deputy Ministers of the Government, and the majority of its members were tribal people.

83. On the question of the Biharis, the representative said that those people had chosen not to be Bangladesh citizens when, following independence in 1972, they had been given the option to become citizens of either Bangladesh or Pakistan. The repatriation of that group, numbering some 200,000 people, was currently under discussion between the two Governments. An office of the United Nations High Commissioner for Refugees had been established in Bangladesh with a mandate covering the repatriation of the Biharis. Matters relating to the vested properties of Hindus were regulated by law. No hindrance existed to the reclaiming of such property, provided such claims were in conformity with the law.

84. With regard to the persons who had migrated from Bangladesh to India, the representative emphasized that such persons could not be considered as refugees, in the usual sense of the word. They had been lured into India by extremist elements and were often intimidated in their attempts to return to Bangladesh. The Governments of Bangladesh and India were at present in dialogue to resolve that problem. On returning to Bangladesh, all displaced persons were given land, a house, an initial sum of 1,500 rupees, and 21 kilos of rice per week for six months, to assist in their resettlement.

85. With reference to the question raised under article 4 of the Convention, the representative said that, as provided in article 102 of the Constitution, any aggrieved person could go to court to claim a remedy against an aggressor.

86. Responding to questions raised under article 5 of the Convention, the representative said that, of the Bangladeshi population of 110 million, 87 per cent were Muslims, 12.1 per cent were Hindus, 0.6 per cent were Buddhists and 0.3 per cent were Christians, mainly Roman Catholics. Except for the approximately half a million people of the Chittagong Hill Tracts, they were homogeneous. The Government had established trust funds for each of the four religious denominations, allocating 10 million rupees to each group to restore and renovate religious buildings. The four main religious communities regulated such aspects of their lives as marriage, inheritance and succession according to their own religious laws. Such laws were the customary, or personal laws, referred to in the report and they were applied by the courts in the same way as civil laws.

Finland

87. The ninth and tenth periodic reports of Finland (CERD/C/159/Add.1 and CERD/C/185/Add.1, respectively) were considered by the Committee at its 866th and 867th meetings, held on 8 August 1990 (CERD/C/SR.866 and SR.867).

88. The periodic reports were introduced by the representative of the State party, who pointed out that, like the previous reports, the tenth report dealt essentially with the measures taken by the Government of Finland to improve the living

conditions of the country's two ethnic minorities - the Samis and the Romanies (or Gypsies). He informed the Committee of developments since the tenth periodic report had been prepared, and stated in particular that in May 1990 Finland had ratified the European Convention on Human Rights, and that the Nordic Sami Council had recently been granted consultative status with the United Nations Economic and Social Council.

89. With regard to article 2 of the Convention, he said the Committee set up to consider amendments to the electoral law had proposed that a new provision should be added to the Constitution under which Parliamentary committees would be required to hear Sami representatives whenever they considered bills relating to the rights of the Sami minority. The Advisory Board for Sami Affairs had completed the general bill on the rights of Samis and had proposed that it be adopted. The representative of the State party also informed the Committee of other legislative and administrative measures concerning the Samis and the Romanies. With regard to article 3 of the Convention, he pointed out that, on 25 March 1990, Finland had lifted all sanctions affecting Namibia, following that country's accession to independence. As far as articles 4 and 5 of the Convention were concerned, he said that the bill relating to a new criminal offence of discrimination had been submitted to Parliament and that the law amending the legislation on breach of authority had been adopted and promulgated.

90. Members of the Committee observed that the two periodic reports submitted by the Government of Finland were in conformity with the guidelines given by the Committee and provided detailed information that testified to an improvement in the living conditions of the two national minorities. However, they inquired whether persons who were not Finnish citizens enjoyed the same rights, and asked for details on the status of immigrants and refugees with regard to employment. Noting that, pursuant to a recent agreement with the Union of Soviet Socialist Republics, Finland now received Soviet Jews leaving for Israel, they asked whether, once they reached Finland, such emigrants could decide to stay there and obtain refugee status and whether they were free to choose a destination other than Israel. Members also inquired: whether it was possible to invoke the provisions of the Convention before the courts when they had not previously been incorporated into legislation; what language was used in the courts; and whether Finland possessed a single national language or whether Swedish could also be used. They sought additional information on demographic trends in Finland, particularly with respect to immigrants, and the possible impact on employment, social welfare, housing and education of an increase in the immigrant population.

91. With regard to the implementation of article 2 of the Convention, some members of the Committee observed that, in order to be able to gain a clearer idea of the situation of the Samis and the Romanies in relation to the remainder of the Finnish population, they would require comparative data on rates of school enrolment, access to health care, the rate of unemployment, infant mortality, life expectancy, juvenile delinquency and employment in the civil service and the professions. Members were concerned that language should be the sole criterion for determining whether or not a person belonged to the Sami population. They wanted to know why the Samis and the Romanies were treated differently in that respect. The view was expressed that such determination should be based on self-identification by the individuals concerned. Members also asked: whether there was a special quota in the civil service for minorities, such as the Samis or the Romanies; whether the Finnish Constitution contained any provision for representation of minorities in Parliament or the Government; and whether the Swedish-speaking population was

considered a distinct ethnic or racial minority. Members also requested further information concerning: the new law on the rights of the Samis; the proposed reform of the Penal Code; the Reindeer Management Bill; and legislation on the use of the national languages in the field of health and social welfare.

92. With regard to the implementation of article 3 of the Convention, members noted that, although Finland had adopted a large number of measures against *apartheid*, it still maintained diplomatic relations with South Africa and asked for details of the type of pressure applied by the Government of Finland to combat *apartheid*. They also wished to know whether there had been any amendment to the 1985 Act on measures against South Africa and whether Finland had resumed a programme of assistance to Namibia on a large scale.

93. With reference to article 4 of the Convention, members expressed the wish for more information on legislative measures aimed at preventing the emergence of organizations advocating racial discrimination and on action the Government planned to take if such organizations were established.

94. As far as the implementation of article 5 of the Convention was concerned, members of the Committee asked whether any cases of racial discrimination had been brought before the courts since 1986. They also requested details of the manner in which Finland was implementing article 5 of the Convention.

95. Regarding article 7 of the Convention, members asked for further details on measures in the field of education with a view to combating racial prejudice.

96. The representative of the reporting State, replying to the questions raised by the members of the Committee, explained that all foreigners resident in Finland basically enjoyed the same rights as Finnish citizens in the political, social, cultural and other fields, but their economic activities were restricted to a certain extent. Furthermore, the right to vote was thus far only enjoyed by foreigners who were citizens of a Nordic country. However, legislation was in preparation to extend that right to other foreigners. Regarding the emigration of Jews from the Soviet Union, he pointed out that it had always been Finland's position that all Jews from that country should be free to choose their country of destination. Finnish citizens of Swedish mother tongue accounted for some 5 per cent to 6 per cent of the total population. Both Swedish and Finnish were national and official languages.

97. Replying to the questions raised in connection with article 2 of the Convention, the representative of the reporting State indicated that the question of the rights of the Samis with respect to land ownership and utilization was dealt with in both periodic reports. He drew particular attention in that regard to paragraphs 12 and 13 of the ninth periodic report. With reference to Nordic co-operation on Sami affairs, he stated that regular meetings were held between senior officials of the Nordic countries to discuss Sami affairs within the framework of the relevant Nordic institutions and with the participation of Sami representative bodies. Concerning the definition of the Sami group, he explained that the Finnish Government's definition had been formulated in accordance with the wishes of the Samis themselves and that, in all Nordic countries, the criterion defining the Samis was their language. No such criterion was applied to the Romanies, since most of them no longer spoke their mother tongue. Indeed, the position of the Romanies' language was extremely weak and the Government of Finland was doing everything in its power to enhance its status.

98. With regard to the questions raised in connection with article 3 of the Convention, the representative of the reporting State said that Finland retained a chargé d'affaires in Pretoria and that no changes in its representation were envisaged in the near future.

99. Noting, in conclusion, that some of the issues raised by members of the Committee were too complex to be answered immediately, the representative of Finland assured the Committee that replies to all these questions would be included in Finland's next periodic report.

Ecuador

100. The ninth and tenth periodic reports of Ecuador, combined in a single document (CERD/C/172/Add.4), were considered by the Committee at its 868th meeting on 9 August 1990 (CERD/C/SR.868).

101. The reports were introduced by the representative of the State party, who said that his country, a melting pot of races and cultures, guaranteed for all its citizens the free exercise of the human rights set forth in the international instruments in force. In order to ensure full enjoyment of those rights, his country, despite its obvious lack of resources, was striving by all possible means to overcome underdevelopment, to improve the living conditions of its population and to maintain social peace, while fully respecting the environment. In addition to the efforts being made to improve the situation of children and the status of women, the participation and integration of the indigenous populations, who accounted for 18.5 per cent of the total population, was one of the Government's priority fields of action. Emphasis was being placed on the literacy campaign, as was shown by the existence of 1,750 bilingual teaching centres with an enrolment of 34,000 pupils. The extreme mobility of and the miscegenation in the population were contributing to the integration of minority groups and were discouraging discrimination in all its forms.

102. Members of the Committee noted with satisfaction the reports submitted by the Government of Ecuador and thanked the representative of the State party for his introductory statement. They also welcomed the fact that Ecuador had made the declaration provided for in article 14, paragraph 1, of the Convention. It was regretted, however, that the reports had not been prepared in accordance with the revised general guidelines adopted by the Committee (CERD/C/70/Rev.1) and that they had not provided sufficient information concerning the practical implementation of constitutional or legislative provisions providing for action against discrimination. In that respect, members wished to know whether the Convention was being directly invoked in Ecuador; they expressed surprise that apparently the Convention's provision had never been invoked before the courts. Even if its provisions had not been invoked this did not suffice as evidence that there was no racial discrimination in Ecuador.

103. Members of the Committee indicated their desire for further information on the ethnic composition of the population; on protection of the natural environment, with which the indigenous populations lived in close symbiosis; on the measures taken by the Government to protect the country's heritage and to preserve the cultural identity of minority groups; on the languages which could be used in the courts or in the administration; on the implementation of article 2, paragraph 1 (d), of the Convention; on the measures taken to reduce unemployment and to narrow the income gap; and on the enforcement of Law No. 256 concerning

equality of men and women. Information was also requested concerning the measures taken in favour of certain Indian tribes - such as the colorados - which were said to be disappearing; on the methods used by certain oil companies to establish themselves in various areas of the country where indigenous populations resided; and on the activities of the Instituto Lingüístico de Verano. Questions were also raised about the persistence of a certain form of social marginalization, and the views expressed in a document of 1 August 1990 from the Confederation of Indigenous Nationalities of Ecuador, which referred to certain difficulties encountered by the indigenous populations.

104. Regarding the implementation of article 5 of the Convention, members noted with interest that Ecuador devoted 30 per cent of the State budget to education. In that connection, they wished to have more information concerning the progress made in the field of education and the literacy rate of the indigenous populations. They asked whether the aim was to make those people literate in Spanish or in their own language and what proportion of them attained the higher education level. Regarding agrarian reform and the problems the Government had encountered in connection with land belonging to the indigenous populations, it was asked what percentage of the national territory was occupied by the latter; what had been the result of the reforms introduced in 1973; how many land titles had been granted to indigenous populations; and whether the latter were really succeeding in progressing from a subsistence economy to a production economy. Information was also requested concerning the budget and concerning the membership and the activities of the National Office of Indigenous Affairs. Members also asked whether minority groups were guaranteed equality in access to work, whether collective organization was possible for them and what health services they enjoyed. With reference to the political rights available to members of minority groups, members asked whether the legislative and administrative measures mentioned in the reports had yielded any results as far as the participation of the indigenous populations in public life was concerned; to what extent they participated in elections; what was their representation in the Parliament and in the senior levels of Government; and what were the aims and activities of the bodies mentioned in paragraph 26 of the report.

105. With reference to article 7 of the Convention, members asked whether the Government of Ecuador had taken immediate and effective measures in the fields of education, culture and information to overcome prejudice linked to racial discrimination and intolerance and, in particular, whether the indigenous populations were informed of the relevant provisions of the international instruments concerning human rights.

106. Replying to the questions asked by members of the Committee, the representative of the State party said that his Government's basic aim was to ensure the development of the country's economic and social structures. Despite the considerable burden of its foreign debt, which amounted to $11 billion for a population of 10 million inhabitants, Ecuador had set up in 1954 a National Council for Economic and Social Planning. Particular efforts were also being made to ensure the advancement of women and, on 18 August 1989, the National Congress had adopted 81 pieces of legislation guaranteeing the absolute equality of spouses.

107. Replying to the many questions that had been asked concerning the indigenous populations, the representative of the State party stressed the vital support given by the Indian element to the development of Ecuadorian culture. Both the 1964 Agrarian Reform Act and the subsequent migrant had contributed to the blending of

the populations, although the country's low population density had delayed the integration of isolated groups and raised certain problems. Wishing to avoid a return to the paternalism of the colonial period, the Government had made the strengthening of local autonomy one of its priorities. It was thus endeavouring, through the work of the National Office of Indigenous Affairs, to help the indigenous populations to develop within their own environment. Those groups accounted for 18.5 per cent of the total population and a census planned for 1990 should provide data relating to each of the ethnic groups.

108. The Government's literacy campaign aimed to contribute to the development of the indigenous populations and only 10 per cent of the population were now illiterate. Regarding land policy, the representative said that the Government had sought to establish a wide-ranging dialogue with the indigenous population in order to reach agreements on vital matters such as access to land, the "minifundios" and the regulations of water use. Regarding the participation of indigenous groups in the public life of the country, he said that all citizens, whatever their origin, had access to the highest positions in the State and that several persons of indigenous origin had played a major role in politics.

109. With reference to article 7 of the Convention, the representative of the State party said that many documents relating to human rights, including those of the National Association for Human Rights, had been translated into Quechua. That had made the Quechuas better acquainted with their rights and obligations and had thus enabled them to take a more active role in society.

110. In conclusion, the representative of the State party thanked the members of the Committee for the interest they had shown in the situation in his country and said that Ecuador would provide additional information in its future reports.

China

111. The third and fourth periodic reports of China (CERD/C/153/Add.2 and CERD/C/179/Add.1) were considered by the Committee at its 868th, 869th and 871st meetings on 9 and 10 August 1990 (CERD/C/SR.868, SR.869 and SR.870).

112. The reports were introduced by the representative of the State party, who outlined their different chapters and referred to a recent statement by his Government's Prime Minister concerning the guarantees of equality and unity for all the nationalities of China, and of respect for their freedom of religious belief and for their traditions and customs. The representative drew attention to the economic measures which had been taken by the Chinese Government in order to promote the development of the country's different regions and national minorities. Since 1989 the central Government had approved the establishment of nine national autonomous areas, which had brought the total number of areas to 159, and during 1990 it had pursued its efforts in the fields of education, culture, science and health for the benefit of national minorities. The Government was also encouraging assistance and mutual respect among citizens in the multinational areas and it was continuing, at the international level, its policy of elimination of discrimination and racial segregation.

113. Members of the Committee took note with satisfaction of the reports of China, which provided a balanced overall picture of the situation regarding the implementation of the Convention and valuable new information about the status of the various nationalities in the country, and which were consistent with the

Committee's general guidelines. It was observed, however, that although the report stated that the political and legal situation in China guaranteed equality, non-discrimination, regional autonomy, harmony, solidarity and mutual assistance, there had apparently been racial attacks on African students and that a number of questions nevertheless remained to be answered, particularly regarding the practical problems encountered by various minorities in the country.

114. Members of the Committee referred to the provisions of article 2 of the Convention and requested comparative statistics giving the circumstances and size of the various ethnic groups and those of the Han Chinese majority. They also asked what action the Chinese Government had taken to bring its own policies into line with article 2, paragraph 1 (c), of the Convention and what concrete measures it had adopted in the social, economic, cultural and other fields to ensure the adequate development and protection of minority groups, autonomous areas and minority poverty areas, in accordance with article 2, paragraph 2, of the Convention. In addition, detailed information was requested on the most important laws adopted by each autonomous area as well as the measures taken to implement them. It was also asked what the criteria and procedure were for the formation of autonomous areas, to what extent there was respect for the national minority population's right to establish territorial demarcation of such areas, to what extent minority groups effectively participated in running them, and in the adoption of their laws through the popular assemblies of the areas. It was further inquired what measures the Chinese Government had taken to encourage integrationist, multiracial organizations and to eliminate barriers between races. Members also requested statistics for each of the minority provinces relating to elementary education and public health.

115. In connection with article 3 of the Convention, members of the Committee expressed their recognition to the People's Republic of China for the constant policy it had pursued in the fight against apartheid in South Africa, and for the support it had given to other African peoples in their struggle against apartheid.

116. In respect of article 4 of the Convention, members of the Committee observed that the measures referred to in the report did not seem adequate and recalled that States parties must enact special legislation or widen their penal codes, specifically to prohibit the dissemination of doctrines based on racial superiority and incitement to racial discrimination. Further information was also requested as to the membership of the State Nationality Affairs Commission and regarding the actual application of family planning policies in China which, according to various sources of information, had given rise to threats and violence by public officials and to discrimination based on ethnic origin. It was pointed out that since some of the minorities were quite small, the family planning policy might have a different, and probably detrimental, effect upon them.

117. Turning to article 5 of the Convention, members of the Committee wished to receive detailed information about the current standards of living of the principal minority groups in China compared with that of the Han Chinese, including statistics relating to income, employment, education, health and access to public services. It was asked, in particular, what specific institutions had been established to enable minorities to exercise their powers under the 1984 Law of the People's Republic of China on Regional National Autonomy; what links existed between those institutions and the Communist Party; and how associations for the protection of the legitimate rights of social groups were constituted and administered. Additionally, questions were raised concerning China's policy

towards refugees and displaced persons and concerning the controls established by the authorities over migration, labour mobility and freedom of movement. It was also asked whether freedom of religious activities and the economic self-reliance of temples and monasteries had been restored in China; what the situation of Islamic believers was in the country with regard to their right to freedom of religion and movement; what were the causes of recent clashes between them and the population in one of the provinces of China; and what action was being taken to return the situation to normal and to prohibit segregation of the Muslim population in so far as housing, education, employment and health care were concerned. Further information was also sought on the percentage of illiteracy in the minorities' areas and about the teaching of languages in schools and higher educational establishments in the autonomous regions and throughout China as a whole.

118. Great concern was expressed about the situation of the people of the Autonomous Region of Tibet. It was observed that information received from various sources, including non-governmental organizations, indicated that discrimination was practised against Tibetans in respect of the rights covered by article 5 of the Convention and that the Chinese Government had not given an exhaustive account of the situation. It appeared that the large-scale movement of Chinese settlers to Tibet was a deliberate policy of the Government and that the settlers were given special privileges, resulting in the creation of two unequal and distinct communities. In that connection, detailed information was requested on the present population of Tibet, including the number of Tibetans, the number of temporary and permanent Chinese residents and on how those figures had changed over recent years. Detailed information was also requested concerning the exploitation of natural resources in Tibet by the central Government and to what extent the exploitation of those resources directly benefited the Tibetan national minority; on the export of Tibetan art; Tibetan literacy and unemployment; the restriction of freedom of movement and residence for Tibetans; the limitations applied to their freedom of thought, conscience and religion, as well as to freedom of opinion and expression; and the situation of the Tibetan national minority in relation to the Han majority living in Tibet, in connection with the right to work, housing and health. Members wished to know whether the reopening of temples and monasteries also permitted the restoration of their economic base.

119. Members expressed anxiety about the manner in which the Government's family planning policy was being implemented in Tibet.

120. In respect of article 6 of the Convention, members of the Committee wished to know what legal redress and compensation were available in practice to persons who had suffered racial discrimination; whether there had been any proceedings in people's courts involving administrative restriction of freedom of movement, enforced closure detention and freezing of assets, and administrative violations of personal or property rights; and whether any cases had been brought under article 68 of the Law of Administrative Proceedings.

121. Members doubted the Chinese Government's account of riots in Lhasa. The actions of separatists might be part of an explanation, but riots were complex phenomena. It had to be asked why substantial sections of the population should join in riotous behaviour. Popular perceptions of racial discrimination in Tibet might well be part of an explanation. Persons arrested as a result of demonstrations in Lhasa had reportedly been held for periods varying from days to months and their relatives denied visiting rights. Although China's Code of

Criminal Procedure specifically prohibited the use of torture, there were grounds for believing that it had been regularly employed against detained demonstrators.

122. Replying to questions raised and observations made by members of the Committee, the representative of China, referring to articles 2 and 5 of the Convention, recalled that his country had a population of 1.4 billion, including 56 nationalities. Principal legal instruments regulating ethnic relations in China were the Self-Government Laws of Nationality Regions. National autonomous areas and provinces with large minority populations complied with the provisions of those laws. Each minority area, including provinces with dispersed minority populations, formulated its own self-government regulations. Under the Constitution, all citizens enjoyed an equal status whatever their nationality. In accordance with the law, autonomous regions, prefectures or counties were established where one or more minority nationalities lived in a concentrated community. The organs of self-government of national autonomous areas worked out the policies and plans for economic development in the light of local characteristics and needs. However, as a result of differences in economic and social development, the situation of various national minorities in the country as a whole was uneven. The representative also stated that any kind of discrimination or any restriction by a civil servant of the exercise of freedom of religion was subject to punishment. With regard to education, he stated that in 1988 minority students enrolled in higher educational institutions had accounted for 6.1 per cent of the total, whereas in 1950 they were only 0.93 per cent. All minority nationalities had the right to use their own language in courts of law and the State placed great emphasis on health care in minority areas.

123. With reference to article 5 of the Convention, the representative stated that, in border districts of China, the State did not press family planning and couples were free to make their own decisions.

124. Turning to the subject of Tibet, the representative pointed out that Tibetans had the right to self-government and that almost all senior officials of the administration of the Autonomous Region were Tibetans. He also provided information and figures concerning the development in Tibet of the economy, the educational system, health facilities, and the publication of newspapers and books in the Tibetan language. With regard to the composition of the population in Tibet, the representative stated that, by 1989, the proportion of Tibetans in the population had risen to 95.5 per cent, while that of Han Chinese had dropped to 3.76 per cent. Technicians and other workers went to Tibet to help with the modernization programme but they did not settle in the region. Furthermore, the central Government's family planning policy was not implemented in the agricultural areas of Tibet. Families in those areas received education and advice to improve the health of mothers and children but there was no limit on the size of the family. The representative denied any form of exploitation of economic or natural resources of Tibet by the Chinese Government and any discrimination in housing and employment. He stressed that the majority of employees and workers in the region were of Tibetan ethnic origin and that the salaries, benefits and employment protections afforded to Tibetans and Han Chinese were equal. Despite measures taken to facilitate access to school, the illiteracy rate in Tibet was 60 per cent, which was much higher than in the rest of China. The Tibetan and Han Chinese languages were taught together in school and in June 1990 the People's Congress of the Autonomous Region of Tibet had decided that the Tibetan language should be used in primary schools. Referring to the riots that had taken place in Lhasa between September 1987 and March 1989, the representative stated that demonstrators,

incited by a small number of separatists, had perpetrated violent acts and propagated ideas against both the law and the Constitution of the country. The central Government had been obliged to impose martial law from 8 March 1989 to 30 April 1990. The situation in Tibet had been stable since.

125. In conclusion, the representative of China stated that he would transmit to his Government the requests made by members of the Committee for additional information and that their suggestions would be taken into account when the next periodic report was prepared.

Czechoslovakia

126. The tenth periodic report of the Czech and Slovak Federal Republic (CERD/C/172/Add.5) was considered by the Committee at its 869th and 870th meetings, on 9 and 10 August 1990 (CERD/C/SR.869 and SR.870).

127. The report was introduced by the representative of the reporting State, who drew attention to the momentous changes that had occurred in his country since the submission of the report. Those changes were reflected in a new approach by his Government to international co-operation in the field of human rights and fundamental freedoms. Extensive recodification of the Czechoslovak laws was under preparation and, on 2 May 1990, the Federal Assembly had adopted an amended Penal Code. Section 3 of Act No. 74/1958, relating to the permanent settlement of nomadic persons, had been rescinded and provisions had been made for the prosecution of crimes against humanity, especially those related to genocide. Furthermore, protection against racial discrimination in all its forms had been enhanced in the amended regulations concerning freedom of assembly and association and the right to submit petitions.

128. The representative further stressed that, as in the case of all newly democratic countries of Central and Eastern Europe, relations among members of various national and ethnic minorities were among the most pressing problems. At present, 46,100 foreign workers were employed under intergovernmental bilateral agreements, the largest group being workers from Viet Nam (34,700 persons). As a result of fundamental structural changes in the national economy and the transition to a market economy, the Czech and Slovak Federal Republic had decided to terminate such agreements. Consequently, all foreign workers were expected to return to their respective countries, in stages, by 1995. With regard to certain isolated manifestations of racially motivated intolerance involving Gypsies or foreign workers, the representative emphasized that penal proceedings against the offenders were under way, that his country's highest authorities had condemned such acts, and that measures had been taken to strengthen police patrols in the affected areas. He also stated that greater attention was being paid to the increasing legal awareness of his country's inhabitants, noting that some parts of the report related to concepts and terminology prevailing under the previous régime that were no longer valid. The new Government was striving to implement a policy of openness in regard to questions of racism and racial discrimination with a view to their complete elimination and to securing consistent compliance with all commitments assumed under the Convention. Moreover, the Government was currently giving consideration to making the declaration in accordance with article 14, paragraph 1, of the Convention.

129. Members of the Committee expressed to the representative of the State party their appreciation of the desire for co-operation the latter had shown. They

welcomed the positive changes that had taken place in his country since the preparation of the report, reflected in the Government's desire to make the declaration provided for in article 14, paragraph 1, of the Convention. There was a general interest in learning whether the provisions of the Convention could be involved before the courts and vis-à-vis the administrative authorities. Additional information was also requested concerning the ethnic composition of the population, with particular reference to nationalities other than the Czech and Slovak nationalities, and concerning the implementation of the law on the status of nationalities. Clarification was also sought of the statement that Gypsy citizens (Roms) were regarded not as a nationality but as an ethnic group and, as such, not covered by the regulations concerning the rights of nationalities. In that connection, members asked whether the Gypsies had the same rights and obligations as other citizens and what criteria were used to determine that a person belonged to the Gypsy ethnic group. It was emphasized that the determination, expressed in the report, to integrate the Gypsies should not run counter to the wishes and aspirations of the Gypsies themselves.

130. With reference to article 4 of the Convention, some members of the Committee referred to certain discriminatory practices and acts of violence to which foreign workers - including Vietnamese persons - had been subjected by isolated groups of the population and they requested an explanation of the measures of protection envisaged by the Government. They also sought information concerning the attitude of the media to those events, the influence of the recent liberalization of the exercise of freedom of association on those events and the modification or possible extension of agreements between the Government and third countries regarding the supply of foreign manpower. They also wished for further information concerning the new legislation implementing the provisions of article 4 of the Convention.

131. With reference to article 5 of the Convention, members of the Committee requested additional information concerning the representation of Gypsies in the Czechoslovak Parliament; concerning the use of and education and dissemination of information in their language; and concerning the right of association and freedom of movement within the country. Regarding the right to work, they wished to know whether there was unemployment in the country and how it was affecting the Gypsy population. Information was also requested concerning the implementation of the right to education as far as the Gypsy people were concerned. Members of the Committee expressed their concern at the reference in paragraph 16 of the report to Gypsies having a higher percentage of retarded children and to the existence of certain "negative socio-pathological phenomena" within the Gypsy population and they asked for clarifications in that connection.

132. With reference to article 6 of the Convention, members asked what measures had been taken to ensure protection of and effective court remedies for persons who suffered racial discrimination.

133. Replying to the many questions that had been asked, the representative of the State party described the various items of legislation that were planned and said that, under article 3 of the draft Constitution, every citizen could exercise all the rights and freedoms provided for, without any discrimination on grounds of nationality, race, religion, political opinion or financial status. Furthermore, article 4 of that text established for Gypsy, Ukrainian, Hungarian and German citizens the right to information in their mother tongue, to cultural development, to the use of their language in the administration, the right to associate in national organizations and the right to freedom of the press and to information in

their own language. Furthermore, the primacy of international law over domestic law was to be enshrined in the Constitution. The Czech and Slovak Federal Republic currentldy had 15.5 million inhabitants, of whom 500,000 were Hungarians, 73,000 were Poles, 48,000 were Ukrainians and 399,000 were Gypsies. Two thirds of the Gypsy population lived in the Slovak Republic, mainly in the eastern part of the country where little conflict had been observed. More conflict was noted, however, when the Gypsies migrated towards the west. Rather than integrate the Gypsy population, the authorities were seeking to promote the coexistence of the various communities without any friction and with respect for the cultural identity of each one. Anyone who considered himself a Gypsy was one, and virtually all Gypsies were listed in the civil register as Czech, Slovak or Hungarian, there being no declaration of Gypsy nationality.

134. In connection with article 4 of the Convention, the representative referred to the incidents involving attacks on Gypsies and foreign workers. He explained that that type of delinquency was a new phenomenon and that all necessary measures had been taken to prevent their recurrence. The Penal Code provided for effective punishment, including imprisonment, of those who committed acts of discrimination. All citizens were equal before the law and were entitled to express themselves before the courts in their mother tongue. Immigrant workers who had come to receive vocational training in the Czech and Slovak Federal Republic under a bilateral agreement with their Governments were employed on the same term as nationals.

135. Replying to questions related to article 5 of the Convention, the representative referred to the participation of the various minorities in the first democratic elections that had been held in June 1990. Five members of the Hungarian community held seats in the People's Chamber, 10 in the Chamber of Nationalities and 24 in the Slovak National Council, while the Gypsies had 3 representatives in each of the Parliaments. Each of the minorities had its own newspapers, periodicals and other publications. The revival of the Gypsy culture was being strongly encouraged. For example, a Czech-Romany dictionary and a collection of Gypsy poetry were currently in preparation. The Government was also seeking to strengthen the traditional social structures of the Gypsy citizens and was encouraging the establishment of enterprises by Gypsy organizations. Problems encountered by the Gypsy minority were currently the subject of discussions between the Government and representatives of the Gypsy population. The Gypsy community's high rate of population growth could present serious problems, however, if those efforts failed. Regarding freedom of movement, he said that article 109 of the Penal Code which restricted travel abroad had been abolished and that Czechoslovak citizens could visit the country of their choice whenever they wished. He also pointed out that, while the current economic restructuring might increase unemployment, preventive measures had been taken to palliate its effects.

136. Referring to specific questions concerning the right to education of the various minorities, the representative observed that there were many schools and vocational training centres at the disposal of the Hungarian, Polish and Ukrainian minorities. The lack of Gypsy schools was due, on the one hand, to the fact that there was no official Gypsy written language and, on the other, to the fact that there were no teachers who knew the Romany language. The Government had therefore undertaken the training of teachers who knew that language. As the life of the Gypsies was now more sedentary, their children were attending school regularly and illiteracy among the Gypsies was showing a marked decline. The expression "negative socio-pathological phenomena" referred to the social consequences of poor

health conditions, owing to the fact that among the Gypsies children were often born to very young women. It was a fact that half of the physically and mentally handicapped members of the population belonged to the Gypsy minority and that the criminality rate in that group was 10 times higher than in the rest of the population. The Government was preparing to carry out a scientific multidisciplinary study with the aim of throwing some light on the very complex problem of the Gypsy community.

Republic of Korea

137. The fifth and sixth periodic reports of the Republic of Korea (CERD/C/167/Add.1) were considered by the Committee at its 870th and 871st meetings, held on 10 August 1990 (CERD/C/SR.870 and SR.871).

138. The reports were introduced by the representative of the reporting State, who explained that they dealt mainly with new developments that had occurred since the consideration of his country's fourth periodic report and with the unanswered questions that were raised at that meeting. He informed the Committee that, in April 1990, Korea had acceded to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol (see General Assembly resolution 2200 A (XXI), annex). He also noted that no complaints of racial discrimination had been brought before the courts or administrative authorities.

139. Members of the Committee thanked the representative for the comprehensive information contained in the reports. Noting the political changes that had occurred in the country since 1988, they requested a copy of the new Constitution, particularly the parts relating to human rights. Members also asked how the role of the military had been altered as a result of those political changes.

140. With reference to articles 1 and 2 of the Convention, members wished to know what special measures were being taken to ensure the adequate development of minorities. They asked, in particular, how many schools had been established for the Chinese population, which constituted the largest minority, and whether their language and culture were being preserved. Concerning the Indo-Chinese refugees, currently accommodated in a camp at Pusan, it was asked whether such refugees could ultimately become Korean citizens. Additionally, members wished to know what measures were being taken to rectify the alleged discrimination and neglect of economic development in Cholla province.

141. With regard to article 4 of the Convention, clarification was sought as to why the Constitution did not address such important aspects of the Convention as civil rights and race. Members found it difficult to accept the claim that no racial discrimination existed in the country because of its homogeneous nature and stressed that the Government had an obligation to enact legislation to give the force of law to the Convention's provisions. They expressed disappointment over the Government's continued failure to acknowledge this obligation. A student's self-immolation in protest at the presence of United States forces gave grounds for fearing that there might be an element of racial hostility in a political issue. Referring to the absence of complaints of racial discrimination in the courts, members wondered whether that could be due to the lack of information concerning the rights of individuals under the Convention or to the existence of obstacles to lodging such complaints. Information was also requested concerning the legal

guarantees against discrimination as well as penal provisions relating to the crime of racial discrimination.

142. In connection with article 5 of the Convention, members wished to know what progress had been made to increase local autonomy; what action had been taken to amend the laws restricting the expression of ideas considered to be "communist"; whether new laws had replaced the basic press laws; whether there had been any change in the political limitations placed on academic freedom; whether the laws on the freedom of assembly and association had been relaxed, what action had been taken to prevent attacks on trade-union organizers; whether the Government had begun to address some of the major social welfare issues, including poverty, social dislocation and housing shortages; whether foreign nationals received the standard minimum wage; and whether the Government had changed its rules regarding the employment of children.

143. With reference to article 6 of the Convention, the Committee wished to receive the texts of the Civil and Criminal Codes, the Code of Civil Procedure, and the Acts on National Compensation, Criminal Compensation, and Administrative Procedure.

144. With regard to article 7 of the Convention, members wished to know whether any courses on human rights had been organized to enable magistrates, teachers and police personnel to overcome prejudices that could lead to racial discrimination in their attitudes and work and they also wished to know what was being done to familiarize the student population with the various cultures of the world.

145. Noting that the Government had acceded to the two International Covenants on the Optional Protocol to the International Covenant on Civil and Political Rights, members asked whether the Government was also contemplating to make the declaration under article 14 of the Convention.

146. In response to questions raised under articles 1 and 2 of the Convention, the representative of the reporting State said that, out of the 53 schools for foreign nationals, approximately 20 had been specifically reserved for persons of Chinese nationality. The Government, in close co-operation with the Korean Red Cross Society and the Office of the United Nations High Commissioner for Refugees (UNHCR), was taking good care of the refugees in the camp at Pusan. Refugees awaiting resettlement in a third country were being cared for in accordance with the UNHCR comprehensive programme of action. Discrimination did not exist in Cholla province since the Government pursued a policy of equal treatment for all provinces; any apparent differences were due to the specific characteristics of the various provinces.

147. Turning to the questions raised under article 4 of the Convention, the representative said that, while the Constitution made no reference to race, that issue would be treated within the spirit of the Convention. Additionally, article 5 of the Constitution clearly stipulated that treaties and generally recognized rules of international law had the same force as the country's domestic laws. The Government did not automatically enact domestic legislation following its accession to international treaties, but would take steps to adjust domestic laws to bring them into line with international law in the event of a conflict between the two. The Republic of Korea could claim a homogeneous culture since, in its long history it had never colonized or occupied another country, had never incorporated other ethnic groups within its borders and thus had evolved as a genuinely homogeneous society, although foreigners who had settled in the country

had lent an element of diversity to its national culture. The relevance of any questions relating to the presence of United States forces was disputed.

148. The measures taken to strengthen human rights were listed in the sixth periodic report. They included article 307 of the Penal Code, covering defamation, article 311, covering insults to aliens or nationals, and articles 750 and 751 of the Civil Code, covering cases of racial discrimination. All such violations were punishable by imprisonment. While the Government believed that the Constitution and existing legislation and practice fully covered all aspects of article 4, and that further legislation, therefore, was unnecessary, the Committee's continuing concerns in this regard would be conveyed to the Government.

149. In response to questions raised under article 5 of the Convention, the representative said that the question of local autonomy was of great importance to the Government. Consultations were being held between the Government and opposition parties and it was expected that the policy on local autonomy would be implemented by the end of 1990 or early 1991.

150. With regard to the request made under article 6 of the Convention, the representative assured the members that texts of the relevant legislation would be duly provided.

151. The representative stated that the prospect of his country's making the declaration under article 14 appeared promising and that the Committee's strong hopes in that regard would be conveyed to the Government.

Ethiopia

152. The sixth periodic report of Ethiopia (CERD/C/156/Add.3) was considered by the Committee at its 871st and 872nd meetings, held on 10 and 13 August 1990 (CERD/C/SR.871-872).

153. The report was introduced by the representative of the reporting State, who pointed out that the Constitution guaranteed and protected the rights and freedoms of all Ethiopians and enabled the government to discharge its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. Since the submission of Ethiopia's sixth periodic report in 1988, significant political, economic and social reforms had been made, reflecting the prevailing situation in the country, as well as the major events that had taken place in the rest of the world. On 6 March 1990, the Central Committee of the Workers' Party of Ethiopia had adopted resolutions declaring that Ethiopian economic and social development would henceforth be guided by the principles of a mixed economy and that political life would be restructured to reflect the democratic unity of all classes, nationalities and groups. Emphasizing that peace and respect for the unity and territorial integrity of Ethiopia were prerequisite for the realization of the new policy objectives, the Central Committee had urged opposition groups to come forward and participate in efforts to achieve peace and the implementation of the newly adopted policies. The representative of the reporting State said that those reforms contained basic provisions guaranteeing equal rights, equality before the law and equal participation in political, economic, social and cultural affairs that would further promote the implementation of the provisions of the Convention.

154. Members of the Committee thanked the representative of Ethiopia for his introduction and noted that the report had been prepared in accordance with the Committee's guidelines. Referring to the fact that Ethiopia was a multi-ethnic country, they requested statistics providing a breakdown of the population in order to assess the situation and treatment of the various nationalities. In that connection, members suggested that the Centre for Human Rights might be in a position to provide technical assistance to Ethiopia for carrying out a general census of the population. They requested the representative of the reporting State to clarify the meaning of the term "nationalities" used in the report.

155. Pointing out that there were still some 4 million persons threatened with famine in the north of the country, members asked what steps the Ethiopian Government was contemplating to prevent famine in view of the fact that half of Eritrea and the whole of northern Wollo were in the hands of the rebels. They also inquired whether Ethiopia's internal difficulties had an ethnic background and what measures were envisaged to mitigate the effects of the fighting.

156. Referring to the reforms under way in Ethiopia in the context of the implementation of article 2 of the Convention, members asked whether that new approach would cause unemployment and how, in the process of carrying out those reforms, the Ethiopian Government intended to ensure the adequate development of particular ethnic groups. Further information was requested concerning the impact of the constitutional changes on minorities and the means envisaged for protecting those groups.

157. With reference to article 3 of the Convention, members of the Committee commended Ethiopia's very active stance of opposition to the South African régime.

158. With regard to article 5 of the Convention, members wished to receive more detailed information on the participation of the various nationalities in the country's economic, political and social life. They also inquired whether minority languages were taught in the schools and whether all Ethiopian citizens had the possibility of expressing themselves in their mother tongue before the courts.

159. With reference to article 6 of the Convention, members of the Committee requested further information on the number of cases of racial discrimination which had been brought before the courts.

160. In connection with article 7 of the Convention, members of the Committee requested further information about the manner in which information on the Convention and other human rights instruments was disseminated in Ethiopia.

161. The representative of the State party, replying to the questions raised by members of the Committee, stated, with regard to demographic composition, that Ethiopia, which was among the least developed countries, did not have either the financial resources or the know-how needed to conduct a census of its population and noted with interest the suggestion made on that subject by members of the Committee.

162. With regard to the economic reform and the shortage of food, the representative, after acknowledging that 4 million persons were currently threatened by famine in the north of the country, said that the main difficulty was not obtaining food but bringing it to the regions affected by the fighting and that his Government was doing its utmost to save the threatened populations. He

described the measures taken by the Ethiopian Government to that end. As to the term "nationality", he stated that the expression referred to any ethnic group of persons speaking the same language and inhabiting a specific region.

163. Concerning the questions raised in connection with article 2 of the Convention, the representative stated that the disparity in levels of development was essentially a legacy of the former régime, since no modern infrastructure had existed in the outlying areas of the country in 1974. The Ethiopian Government had set itself the aim of helping those previously neglected regions to catch up and had introduced a number of projects and initiatives in order to remedy the situation.

164. With respect to article 5 of the Convention, the representative said that his Government accorded high priority to education and that, since the literacy campaign had been launched in 1979, the proportion of the population who knew how to read and write had increased from 7 per cent to 75 per cent. Under that campaign, which was receiving support from the United Nations Educational, Scientific and Cultural Organization (UNESCO), educational material had been printed in 15 different languages. Ethiopia's official language was Amharic, which at the same time was the only common language for the vast majority of Ethiopians. However, an Ethiopian could express himself before the courts in his mother tongue and have recourse to an interpreter. As to the participation of minorities in political life, the representative of Ethiopia noted that the 1974 revolution had overthrown the feudal system which had kept 86 per cent of the population - in other words, the entire peasantry - in a state of ignorance and dependence. Since that time, those populations had elected their representatives both locally and nationally.

165. Referring to the questions raised in connection with article 7 of the Convention, the representative of the State party said that, while Ethiopia did not have an educational programme dealing solely with human rights and action to combat discrimination, the Ethiopian media gave broad coverage to activities along the lines desired by the Convention.

Netherlands

166. The Committee considered the eighth and ninth periodic reports of the Netherlands (CERD/C/158/Add.9 and CERD/C/184/Add.4) at its 872nd and 873rd meetings, held on 13 August 1990 (CERD/C/SR.872 and SR.873).

167. In his introductory statement, the representative of the State party said that the Government of the Netherlands was endeavouring to strengthen existing legislation to punish any discriminatory behaviour towards ethnic minorities and to guarantee equal opportunities on the employment market. In its policy of combating racial discrimination, the Government was receiving effective support from non-governmental organizations, two of which had submitted comments to members of the Committee (Netherlands branch of the International Commission of Jurists and Landelijk Bureau Racismebestrijding). The Government was giving priority to a social renewal policy designed to facilitate re-employment and to prevent members of minorities and disadvantaged citizens from dropping out of school. He pointed out that in the Netherlands Antilles no case of racial discrimination had ever been reported in a population which was composed of several nationalities. Articles 8 and 12 of the Code of Penal Procedure, however, made provision for a legal remedy in the event of racial discrimination. Furthermore, if the alleged victim did not

obtain satisfaction, he could submit a communication to the Committee, in accordance with article 14 of the Convention.

168. The members of the Committee congratulated the Government of the Netherlands on having prepared exhaustive reports which conformed to the guidelines laid down by the Committee, and on the efforts it had made to ensure that the Convention was enforced. They pointed out that the Committee had had the opportunity to consider a specific case of discrimination involving the Netherlands and had found that the Netherlands had given a perfectly satisfactory reply to the Committee's opinion. In that connection, it was asked whether the consequences of the case and the Committee's opinion had been considered by the judges and the Public Prosecutor, and what was the opinion of the Netherlands national anti-discrimination agency on the matter. It had, furthermore, been noted that certain cases tried in the Netherlands courts showed that the country was adhering to an accurate interpretation of the implementation of article 1, paragraph 2, of the Convention. The Netherlands did not interpret that provision as excluding non-citizens from the protection of the Convention if they were victims of discrimination by private persons and non-governmental organizations. It was, however, pointed out that the reports submitted revealed that certain principles concerning racial discrimination depended on the interpretation given by a judge and that the prohibition of racial discrimination would appear to apply to activities relating only to public life but not to private life. Further information was requested on the subject. Some members of the Committee asked why the proportion of foreigners resident in the Netherlands was steadily increasing and what was the Government's attitude to that trend; why had the number of complaints about racial discrimination recorded by the Public Prosecutor increased from 63 in 1987 to 101 in 1988; and how serious were the manifestations of racism mentioned in the report. It was pointed out that on no account could a State party allow the principle of non-discrimination to be infringed upon in the name of freedom of expression, association and assembly.

169. In addition, precise figures comparing the status of all ethnic minorities with that of the majority were requested. It was observed that the classification of certain minorities, such as persons of Surinamese, Moluccan or Indonesian origin, remained somewhat unclear and it was asked whether they were regarded as aliens or citizens, or as belonging to another category. Information was also requested on Jewish and Gypsy groups living in the Netherlands. Members of the Committee also asked why there was a delay in the approval by Parliament of the bill containing supplementary provisions of the Criminal Code dealing with discrimination and whether the Government of the Netherlands would be prepared, within the purview of its own legislation and jurisdiction, to acknowledge special rights and not merely special measures for minorities.

170. With regard to the Netherlands Antilles, members of the Committee wished to know why it was not possible to classify population groups in economic terms; whether officials working in one of the islands could be transferred to the Kingdom of the Netherlands and vice versa; what were the causes of the decline in the population of Curaçao and the doubling of the population of St. Maarten; and what was the exact legal status of Aruba within the Kingdom of the Netherlands.

171. With respect to article 2 of the Convention, members of the Committee requested further information on the publicity campaign by the Government of the Netherlands to bring about a change in social behaviour in order to eliminate racial discrimination in both public and private life. They also asked what was the economic and social situation of the ethnic groups and how the Government could

give special protection to citizens of the Netherlands who belonged to ethnic minorities if there was no record of their origin.

172. In connection with article 3 of the Convention, it was asked whether the attitude of the Netherlands towards South Africa had changed since Nelson Mandela's release.

173. With regard to article 4 of the Convention, members asked what was the attitude of the public authorities towards religious congregations or organizations that permitted racist language or propaganda on their premises; whether the authorities had imposed penalties on a new party that had emerged on the political scene in August 1989 and was inciting racial discrimination; and why public subsidies were not withheld from an organization guilty of racial discrimination until a court had decided to ban it. In that connection, further information was requested on the means at the disposal of new political parties that spread racist ideas. In addition, clarification was sought concerning the apparent paradox between the increase in racist propaganda and the reported decline in the number of court cases against racist organizations and racist propaganda.

174. Regarding article 5 of the Convention, members requested information on whether foreigners could take part in provincial or national elections; on the proportion of Netherlands citizens belonging to ethnic minorities in the Government, Parliament and public service, and on the possibility of legally forming political parties on the basis of ethnic origin. Additional information was requested on the policy of quotas for ethnic minorities in various sectors of employment and on the unemployment rate among those minorities; on the status of foreign workers; on the results of the efforts by the Netherlands Government to promote the employment of ethnic minorities in public service; and on the formulation of new codes of conduct and psychological tests to combat racism on the employment market. It was also asked why in the housing crisis in the Netherlands certain minorities had been disadvantaged; how the measures for improving the housing conditions of minority groups were implemented; and whether measures had been taken to prevent any discrimination in housing allocation. Concerning education, members requested details of the phenomenon referred to in the report as the "white/black schools problem" and "white flight", and the efforts being made by the Netherlands authorities to find a solution. It was also asked whether children from the Netherlands Antilles could learn languages other than Dutch in school.

175. In connection with article 6 of the Convention, information was sought concerning the results of the lawsuits initiated on racial grounds in 1987 and 1988.

176. In their replies, the representatives of the Netherlands stressed that, in their Government's view, the prohibition of racial discrimination could in certain circumstances justify limitations on other fundamental freedoms. That did not mean, however, that a hierarchy existed. It was a matter of weighing the interests that were to be protected by the several rights involved. Furthermore, the Netherlands Government rejected racial discrimination in both the public and private spheres, but the private sphere was not considered to be an area that could be regulated by law. As there was no clear borderline between the public and private spheres, it was for the courts to decide whether certain expressions had been used in public and what was the content of those expressions. No preventive measure could be taken by the Government to preclude the use of certain expressions. The representatives also provided additional information on the draft

Equal Treatment Bill prohibiting discrimination on such grounds as race in certain areas where the participation of individuals in society could be seriously hindered by discrimination. The draft, which was currently being considered by the Council of State, gave a precise definition of exceptions to the general rule of equal treatment for all and provided for the creation of a committee on equal treatment which, among other things, would investigate complaints of discrimination.

177. Furthermore, the representatives referred to the bill supplementing the Criminal Code, which introduced a specific penalty for civil servants who were guilty of discrimination while on duty. The bill had been passed by the Lower House of Parliament in June 1990 and was to be discussed by the Upper House before the end of the year. The long delay had been caused by the change of government and the length of the parliamentary agenda.

178. The representatives pointed out that, since 1986, Aruba had become a separate country within the Kingdom and in accordance with its Charter. With regard to the Netherlands Antilles, the representatives stated that the Government had devoted considerable efforts in the past decade to reducing the high level of underemployment in the islands. Persons in the 20 to 29 age group constituted the main category of the unemployed. Non-nationals were required to have a work permit, which was in most cases for a specific period. The Government was currently preparing for a new census, which would enable it to provide the necessary data in its next report. Labour mobility and staff transfers existed between islands and were determined by economic developments, especially with regard to tourism. This explained the decrease in the population of Curaçao and the increase in that of St. Maarten.

179. In connection with article 2 of the Convention, the representatives stated that the Government of the Netherlands considered that unnecessary registration of a person's ethnic origin was an invasion of privacy. Only where information was required for the successful implementation of the minority policy would short-term monitoring be allowed under strict conditions and information on ethnic origin be collected by census authorities, police, employment agencies, courts, etc.

180. With regard to article 3 of the Convention, the representatives stressed that the Netherlands subscribed to the statement made by the European Council welcoming the significant changes that had taken place in South Africa in recent months. They recalled that the objective of the European Community was the complete dismantlement of the *apartheid* system by peaceful means and that the members of the Community would maintain their pressure on the South African authorities in order to promote the profound and irreversible changes they had repeatedly sought.

181. Turning to article 4 of the Convention, the representatives explained that the bill to regulate State subsidies to political research institutes working on behalf of specific political parties was still before the Upper House of Parliament. For the time being, a subsidy could be withdrawn only if the political party or organization concerned had been banned because its aims or activities were incompatible with public order. The research bureau of the party that had won a seat in Parliament at the 1989 elections would continue to receive a State subsidy unless the courts declared the party or the research bureau illegal. On the other hand, the chief public prosecutor in The Hague was due to begin a pre-trial investigation on the basis of complaints concerning allegedly racist statements made by that political party during the 1989 general election campaign. The representatives pointed out that the guidelines issued in 1984 to the police and

the public prosecutor's department in cases of racial discrimination were among the strictest of all policy guidelines relating to criminal law.

182. With regard to article 5 of the Convention, the representatives stated that it was possible in the Netherlands to set up a political party which aimed to improve the position of a particular group. However, such parties were not allowed to choose a racially discriminatory name or express racist views. As at 1 January 1989, foreign nationals had constituted approximately 4.2 per cent of the population, and ethnic minorities 5.1 per cent of the population. The number of unemployed among ethnic minorities had increased in recent years, mostly due to the rapid demographic increase of the ethnic minority population and to the increase in the number of new immigrants in the Netherlands, and the situation was alarming. There were plans to increase the proportion in public service of people belonging to ethnic minorities, and the Government was also trying to improve their fluency in Dutch, as well as their general educational standards. The reduction in the incidence of unemployment among ethnic minorities was one of the Government's priority goals.

183. The representatives said that practices relating to employment relied on voluntary agreements entered into by employers' and workers' federations. Psychological tests had been prepared in consultation with the representatives of ethnic minorities. The housing situation of immigrants and ethnic minorities often gave rise to problems in terms of quality of housing, especially in urban areas. As far as discrimination was concerned, the number of cases of irregularities involving the allocation of housing by local authorities and housing corporations brought to the attention of the Ministry of Housing did not exceed one a year. The Ministry had recently commissioned an independent survey of discrimination in housing whose findings would be available by mid-1991. The Government was concentrating on positive action to correct the situation created by the refusal of white families to send their children to local schools that had a large proportion of ethnic minority pupils. Private schools were forbidden to discriminate on grounds of race, under the new Equal Treatment Bill.

Qatar

184. The fifth, sixth and seventh periodic reports of Qatar (CERD/C/129/Add.3, CERD/C/156/Add.2 and CERD/C/182/Add.1) were considered by the Committee at its 874th meeting on 14 August 1990 (CERD/C/SR.874).

185. In his introductory statement, the representative of the State party quoted excerpts from the reports submitted by his Government and said that Qatar had not taken any legislative, judicial or other measure to give effect to the provisions of the Convention because his country's legislative system and the Islamic Shari'a were considered sufficient to prevent and punish any discriminatory acts. They were, moreover, strengthened by the incorporation in Qatar's internal law of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. Qatar was nevertheless prepared to consider promulgating specific legislation on discrimination, mainly to facilitate agreements between States parties on the extradition of persons accused of crimes and other offences in that area.

186. The members of the Committee thanked the Government of Qatar and its representative for having initiated a dialogue with the Committee. They pointed out, however, that the absence in Qatar of any measures to give effect to the provisions of the Convention was inconsistent with the obligations assumed by Qatar on acceding to that international instrument and the reports submitted therefore did not furnish the information required under article 9 of the Convention. The reports stated that no acts of discrimination were committed in Qatar, yet it was apparent from the reports themselves that certain forms of discrimination on grounds of race, sex, religion or social status occurred among the country's population, which for several generations had included a considerable number of foreigners and immigrants.

187. With reference to article 4 of the Convention, members of the Committee observed that there was a contradiction between the statement that the Convention had the mandatory force of Qatar's internal law and had to be enforced by the courts and the fact that the internal law of Qatar contained no specific provisions relating to penalties for acts of racial discrimination. In that connection, members of the Committee wished to know how a person who was the victim of an act of racial discrimination could bring legal proceedings if such an act was not defined as an offence. They also noted that corporal punishment and the death sentence could be applied as a result of decisions taken by the courts of Qatar and they asked whether there had been instances where such penalties had been applied, including in the case of crimes involving racial discrimination. They also asked whether the Koranic law took precedence over other law and whether the preparation of legislation consistent with the Convention and other international instruments in the field of human rights had actually begun.

188. With regard to article 5 of the Convention, members of the Committee wished to be informed of the results of the census of immigrant workers conducted by Qatar in 1986. They wanted more information about the demographic composition of the population. They also asked what rights those workers enjoyed and whether the Government planned to ratify the International Labour Organisation Conventions on freedom to form and join trade unions, on application of the principles of the right to organize and to engage in collective bargaining and on discrimination in employment and occupation. It was pointed out that, according to ILO information sources, trade unions were prohibited in Qatar and there were in that country forms of discrimination between foreign and national workers as regards remuneration, conditions of work and working hours. Information was also requested concerning the prohibition of access to public service by naturalized citizens of Qatar. Further, it was asked why non-citizens were limited in access to public places and services and were subject to restrictions on the free choice of employment. Members of the Committee pointed out that several provisions concerning labour were incompatible with the provisions of article 5 of the Convention. They were concerned at reports that foreign workers had to work a 48-hour week and that female domestics had to work 15 hours a day for seven days a week throughout the year. They wished to know whether such persons were entitled to have their children with them in Qatar and what type of education the children received. According to certain allegations, some women of India and Bangladesh married citizens of Qatar in their own country and were then brought by their husbands to Qatar where they were treated not as spouses but as servants.

189. With reference to article 6 of the Convention, members asked whether a non-Arab lawyer could plead in Arabic before a court in Qatar.

190. Regarding article 7 of the Convention, members of the Committee wished to know whether prevention of discrimination was included as a subject in educational curricula and whether the texts of instruments relating to human rights were studied in the schools.

191. The representative of Qatar said that he did not agree with some of the criticisms voiced in the Committee concerning the implementation of the Convention in his country. He reaffirmed that the Government of Qatar was not aware of any violations of the Convention in its territory that called for special legislation.

Yugoslavia

192. The ninth and tenth periodic reports of Yugoslavia (CERD/C/172/Add.9) were considered by the Committee at its 874th and 875th meetings, held on 14 August 1990 (CERD/C/SR.874 and SR.875).

193. In his introductory statement, the representative of the State party informed the Committee concerning the important changes that had taken place recently in Yugoslavia, including the introduction of a market economy and the coexistence of several different forms of ownership, the end of the single-party system and the change over to a multi-party one, the democratization of the social and political system, frequent resort to referenda on issues of public interest, etc. The Yugoslav Parliament had adopted 24 amendments to the Federal Constitution and a new constitution was in preparation. The law amending the Yugoslav Criminal Code adopted in May 1990 altered radically the definition of what had previously been called political offences and Yugoslavia's legislation was now aligned with the legislation of other European countries. Particular attention had been paid to the question of human rights in Yugoslavia and new mechanisms for the exercise of those rights had been set up. The representative also provided detailed information on the situation in the Autonomous Socialist Province of Kosovo, which had further deteriorated recently because of the aspiration of a section of the Albanian national minority to proclaim the Province a Republic and the minority a people entitled to self-determination. Referring to the question of the situation of Gypsies in Yugoslavia, he said that a parliamentary commission had examined the legal status of the Gypsies and the new constitution would take account of their petitions. Measures in the economic and cultural fields had also been taken in favour of the Gypsies.

194. Members of the Committee welcomed the changes that had taken place in Yugoslavia, in particular the announcement of a new constitution and the fact that a dialogue had been initiated between those favouring federation and those favouring confederation. They noted, however, that Yugoslavia was still experiencing serious problems and that the situation remained confused, particularly, in the provinces of Kosovo and Vojvodina. They therefore wished to know how the Yugoslav Government planned to resolve the current tensions. In that connection, they asked whether it was true that the overwhelming majority in the Kosovo Assembly had declared that Kosovo should become an independent and equal unit within the Yugoslav Federation. Further questions were asked about the cause of the demonstrations in Vojvodina in October 1988. Members asked what was the amount of the Special Fund appropriations to assist the underdeveloped regions and what amount had been distributed to the different regions, so that they could judge how much progress had been made, and whether it was true that the Serbian Parliament had recently attempted to limit the autonomy of Kosovo. They also asked whether the inhabitants of Kosovo had been compelled to leave their region because

of intimidation and they pointed out that any attempt to modify the demographic composition of a country or region on ethnic grounds would be contrary to the Convention. They wished to know, however, what measures were being taken by the central authorities to rectify the situation and whether the decision to suspend Kosovo's Assembly and Executive Council was of a strictly temporary nature. They also requested information concerning the percentage of Albanians in the region, their rate of population growth, their level of participation in schooling, their access to education in their mother tongue and the proportion of Albanians employed and unemployed. There was an inquiry about the number of persons in Macedonia of Bulgarian ethnic origin.

195. With reference to article 2 of the Convention, members of the Committee asked what were the causes of the deterioration of relations between Croats and Serbs and whether it was true that the Croatian Parliament had recently objected to the holding of a referendum on the establishment of an autonomous Serbian region in Croatia.

196. Regarding article 4 of the Convention, members of the Committee, referring to Yugoslavia's criminal law which treated acts prohibited by the Convention as crimes, noted that it was subject to wide variation in practice. They requested information on the practical measures that had been taken to punish acts of racial discrimination, on the amendment of the Criminal Code provisions relating to political offences, on the lack of legal guarantees for Kosovo Albanians suspected of committing political offences that was reported by Amnesty International. Did they get a fair trial with an Attorney provided at public expense? What was the role of the "Social System of Self-Management", particularly in connection with prosecutions in cases of racial discrimination.

197. With reference to article 5 of the Convention, members of the Committee wished to know whether Yugoslav citizens were equal before the law in the matter of land purchase, particularly in Kosovo and Vojvodina, whether there were in Yugoslavia any political parties established on the basis of ethnic criteria and, if so, whether the legislation provided any safeguards to prevent movements with separatist tendencies, and what were the rules governing the formation of political parties. Clarification was sought on the operation of article 1 33 of the Federal Criminal Code. Additional information was requested concerning the present situation with regard to freedom of the press and freedom of assembly and association, and whether it was true that the only Albanian newspaper and broadcasting station had been closed. It was also asked whether unemployed persons could travel about freely in Yugoslavia and settle in a region offering better employment prospects.

198. With regard to article 6 of the Convention, members asked whether any changes were contemplated in Yugoslavia in order to guarantee the complete independence of judges. Particulars were also sought of cases of racial discrimination that had come before the courts. In relation to article 7, it was asked what measures had been taken to sensitize the police in view of the events in Montenegro.

199. In his reply, the representative of Yugoslavia provided some additional information on the process of adaptation of the socio-political system of his country to the needs of a modern economy leading to an open market economic system. He stated that the choice between federation or confederation had to be resolved before the end of the year by all the Republics or, if they were unable to do so, by referendum. His Government opposed any attempt to restrict or abolish

the rights of national minorities and was convinced of the need to protect them and to improve their status. It was not prepared, however, to tolerate abuses of such protection. The rights of numerically larger minorities did not necessarily take precedence over those of smaller groups. The position of all national minorities had to be considered and compared. They enjoyed certain rights but did not have the right to autonomy.

200. With regard to the situation in the Autonomous Province of Kosovo, the representative stated that the trend towards the formation of nationalist parties was growing. Neither the Federal Government nor the Serbian authorities welcomed the formation of political groups and parties whose objective was to promote the interests of a particular national community exclusively. The representative also provided information on the implementation of measures of economic assistance to underdeveloped regions and said that most of the credits from international funds had been channelled into the development of the underdeveloped regions. As for the Albanians who had been subjected to harassment and persecution, the representative said that it was the task of the authorities at Federal and Republic levels to ensure that such abuses did not recur and to remedy any mistakes that had been made. Street demonstrations in Kosovo had been prohibited, but there were no restrictions on freedom of movement in the Autonomous Province or in other parts of the Federal Republic. The declaration of independence of the Province by the Albanian deputies had been considered an illegal act and an attack on the territorial integrity of the State. The suspension of the Assembly of Kosovo was a temporary measure and new parliamentary elections were scheduled to take place in Serbia and Kosovo in September 1990. Of the population of Kosovo, 80 per cent was of Albanian origin. The representative provided information on the participation of ethnic Albanians in the educational system of that Province, on their presence in other provinces of Yugoslavia and their representation in the conduct of public affairs.

201. With regard to a question concerning article 2 of the Convention, the representative explained that, in response to the claims of the Serbian population in Croatia for a form of cultural autonomy, the Croatian authorities had taken the view that there was no legal basis for a referendum on that question.

202. Referring to article 4 of the Convention, the representative informed the Committee that, as of 5 August 1990, many articles of the Federal Criminal Code dealing with counter-revolutionary activities and other political offences had been rescinded. Additionally, hundreds of persons accused of or sentenced for political crimes in Yugoslavia had been amnestied recently. Another article of the Federal Criminal Code dealing with incitement to national, racial or religious intolerance had also been substantially amended recently to make it less repressive.

203. With reference to article 5 of the Convention, the representative provided information on the requirement of registration for the formation of political parties and stated that only one party's application had so far been provisionally refused. He also provided information on the growing number of newspapers and other media in Yugoslavia and stated that the press was free and independent of government and party influence.

204. With regard to article 6 of the Convention, the representative acknowledged that the independence of the judiciary was a contentious issue in Yugoslavia. However, the situation was changing rapidly. Judges had previously been subjected

to election and re-election; by abolishing that requirement, the independence of the judiciary would be more adequately guaranteed.

205. Since he did not have time to respond to all the questions, in conclusion, the representative of Yugoslavia stated that the important questions raised by members of the Committee, including the figures of minorities in Macedonia and newspapers published in the Albanian language, would be addressed more fully in his Government's next periodic report.

Holy See

206. The tenth periodic report of the Holy See (CERD/C/172/Add.8) was considered by the Committee at its 875th meeting, held on 14 August 1990 (CERD/C/SR.875).

207. The report was introduced by the representative of the reporting State, who said that because of the essentially religious and moral character of the Holy See, and the small size of its territory, which served solely to safeguard the Church's autonomy and the free exercise of the Papal pastoral mission, it was not feasible to draw up the report in accordance with the Committee's guidelines. He referred to several pastoral messages issued by the Pope since the submission of the report and drew particular attention to a recent document entitled "The Church and racism - action for a more fraternal society". That document dealt, *inter alia*, with institutionalized racism, such as *apartheid*, and denounced racial discrimination against aborigines, minorities, particularly religious minorities, spontaneous racism against refugees or immigrants, and anti-Semitism. It also called on all schools to provide education to eradicate discriminatory instincts and promote brotherhood, and on all States to support education through legislative action in defence of ethnic, linguistic or religious minorities, immigrants, refugees and temporary foreign workers.

208. Members expressed appreciation for the continuing dialogue between the Holy See and the Committee. Reference was made to the important role played by the Catholic Church in the transmission of values. While the actions of the Holy See to combat racial discrimination were perhaps less direct than of other States, it wielded an enormous spiritual and moral influence throughout the world and, in many respects, represented the universality of the human race. Although the structure of the report was understandably different from other reports, it none the less demonstrated the concern of the Holy See with the elimination of racial discrimination and the efforts of local churches to promote, *inter alia*, pluralism, tolerance, inter-religious dialogue and the overcoming of divisions between races. Members also made an appeal that the Holy See should continue its efforts to protect indigenous peoples throughout the world.

209. Clarification was requested of the attitude of the Holy See towards priests living and working among the most oppressed people in society, particularly in Latin America, and media allegations concerning the Church's reticence towards such priests. Comment was also invited on the role played in some Western countries by ultra-conservative movements claiming links to the Catholic Church, which were often antagonistic towards immigrants or refugees. In addition, members sought information on the current situation of discussions being held by the Catholic Church with other Christian denominations.

210. Given the enormous influence of the Catholic Church, it was observed that the Holy See could comment more quickly and forcefully on topical issues. The Special Committee against Apartheid, for example, had waited a long time for a clear-cut and assertive condemnation of apartheid from the Holy See. During the Nigerian civil war in the late 1960s, the Holy See had also delayed taking a firm position on the matter.

211. The representative of the Holy See thanked the members for their comments and observations, which would be taken into account in the preparation of the next periodic report. He did not agree that the Church's action to combat racial discrimination was as indirect as had been suggested, although admittedly the Holy See did not have at its disposal the same legislative and other measures open to other States parties. The Church's attitude to priests working and living among the most oppressed peoples had relaxed in recent years and their views were now more widely accepted. While it was true that some ultra-conservative groups often combined conservative religious views with conservative political opinions, the Church sought to emphasize the equality and dignity of all groups regardless of race or religion. During the last two years, in particular, the Church had increasingly emphasized the problems encountered by immigrants. The Holy See had always firmly and unequivocally condemned apartheid and had contributed greatly to the struggle for its elimination. The report detailed the many statements made by the Pope in condemnation of that practice. The Holy See had also been represented at the two World Conferences to Combat Racism and Racial Discrimination and many other international meetings dealing with apartheid.

212. In general, the ecumenical situation was much better than anyone could have expected 30 years ago. The ecumenical dialogue between the Catholic and the Orthodox Churches was particularly advanced and it was now accepted that there were no important doctrinal differences between the two Churches. The practice of reciprocal exclusion from the sacraments had ended and, when a service was not available in one's own church, reciprocal attendance at each other's service was being encouraged.

213. With reference to the Nigerian civil war, the position adopted by the Holy See had admittedly given rise to some concern, even among Nigerian bishops, but the Church generally abstained from comment on complex political issues, while always making its position clear on the principles involved. During the crisis in Nigeria, the Holy See had made considerable efforts to influence the priests involved in the secessionist movement.

214. In conclusion, the representative said that the Holy See was very active in combating discrimination of all kinds, and the Committee, and the United Nations as a whole, could depend on its continued support.

Hungary

215. The tenth periodic report of Hungary (CERD/C/172/Add.7) was considered by the Committee at its 876th meeting, held on 15 August 1990 (CERD/C/SR.876).

216. The report was introduced by the representative of the State party, who emphasized the numerous recent changes in his country which bore witness to its firm commitment to democracy. In accordance with the Constitution, as amended by an Act adopted in October 1989, Hungary now accepted the generally admitted rules of international law and the resultant obligations aimed, in particular, at

ensuring full respect for, and protection of, the fundamental rights of the individual. Many constitutional provisions relating to the presumption of innocence, available remedies, and the conditions and duration of police custody and pre-trial detention had accordingly been amended. Similarly, the provisions of the Penal Code relating to crimes against the State and provisions of the law on criminal procedure relating to administrative detention and the jurisdiction of the military courts had undergone far-reaching revision. New laws concerning conscientious objectors, freedom of movement, and the establishment of a Constitutional Court and a parliamentary mediator had also been enacted.

217. The representative of the State party said that, in March 1989, Hungary had acceded to the 1951 Convention relating to the Status of Refugees. Although it had already received refugees of various origins, his country had never before had to confront an influx of refugees comparable to that of the Romanians, mostly of Hungarian origin, which had taken place since 1987 and especially since March 1990. As early as 1988, an inter-ministerial commission and a special fund had been established to assist them. Reception centres had been set up, and residence permits and the necessary work permits were issued very promptly. In addition, the refugees received subsidies as soon as they arrived. Hungary's policy was to receive all persons whose fundamental rights were flouted and who applied to it for asylum.

218. On the question of the minorities to whom the Constitution guaranteed equal rights and the use and teaching of their mother tongue, the representative of the State party said that a new law was under preparation aimed, in particular, at preserving their identity and culture and enabling them to exercise all their rights so as to play a full part in the life of the nation. In addition, at the international level, Hungary supported the rapid adoption of adequate mechanisms and rules relating to the protection of national, religious and linguistic minorities.

219. Members of the Committee took note with satisfaction of the report submitted by the Hungarian Government and thanked the representative of the State party for his introductory statement. They also welcomed the recent positive changes in Hungary and the declaration made by the Government in accordance with article 14, paragraph 1, of the Convention. Further information was in general requested on Hungary's demographic composition, in particular with regard to ethnic groups, and on the new legal order that had come into being as a result of the recent changes. In that connection, explanations were sought on the constitutional provisions relating to the regulations governing the nationalities and the criteria for distinguishing between nationalities and ethnic groups, and on the provisions of the Penal Code concerning crimes against the State. It was also asked whether the wording of the report had been the subject of prior consultation with the Federation of Nationalities and whether an effort was being made to give any publicity to the Committee's consideration of the report. Clarification was requested concerning the very substantial influx of refugees of Hungarian origin and on the position expressed by the Government concerning the free exercise of the individual and collective rights of the Hungarian national minorities living in neighbouring countries. In that connection, it was asked whether the Government had envisaged concluding an agreement with the neighbouring countries concerned or, if it had not, whether it envisaged submitting that question to the Committee under article 11 of the Convention.

220. With regard to article 2 of the Convention, members inquired whether any legislative measures for the benefit of the minorities and ethnic groups - in particular, the granting of special rights - were envisaged; whether the minorities were participating in the current changes in Hungarian society; in what way the plurality of languages and modes of life and the cultural identity of the minorities were recognized and preserved; and what measures had been adopted in the wake of the 1988 Congress of democratic associations of Germans, Southern Slavs, Slovaks and Romanians mentioned in paragraph 25 of the report. It was asked whether Hungary considered the principle of territorial integrity to be applicable to all States, and whether the right to self-determination is recognized in the Hungarian Constitution.

221. In connection with the implementation of article 3 of the Convention, members expressed concern at the recent decision by the Hungarian Government to receive the Minister for Foreign Affairs of South Africa and to restore economic and trade relations with that country.

222. With regard to articles 4 and 6 of the Convention, members expressed surprise at the fact that during the period under consideration, despite the size of the minorities and ethnic groups in Hungary and the considerable influx of refugees, no legal or administrative decision had been taken in matters concerning racial discrimination. The Jews, Gypsies and Vietnamese workers had been used as scapegoats in neighbouring States and it would be surprising if there had not been similar tensions in Hungary. It was asked, in particular, whether the Convention was enforceable in Hungary; whether effective remedies were available to persons who considered themselves to be victims of racial discrimination; whether the ordinary people, and in particular the members of the Gypsy minority, were kept informed of their rights in that respect; whether the Penal Code declared punishable the offences referred to in article 4, paragraph 1, of the Convention; and whether the office of mediator that had just been established would have a role to play in efforts to combat racial discrimination.

223. In connection with article 5 of the Convention, members requested fuller information on representation of the minorities and ethnic groups in the Government, Parliament, the higher echelons of the civil service and the new parties. It was also asked whether they were authorized by law to form their own parties; in what national languages education could be provided under Act No. 1 of 1985; and whether the members of the minorities and ethnic groups encountered particular problems in obtaining employment. Clarification was further sought concerning the economic, social and political situation of the Gypsy minority in Hungary and any discrimination to which that minority might be subjected.

224. In reply to the various questions asked, the representative of the State party emphasized that the 500,000 to 700,000 Gypsies in Hungary were now recognized as a national minority on the same basis as the other minorities. At their congresses in 1988, the associations of the various minorities had approved the Government's new policy. Nevertheless, following the new economic policy, the public authorities had stopped paying automatic subsidies to the various minority federations. In order to assist those federations which could not survive without governmental assistance, a State secretariat for the minorities had been established. Furthermore, a law on the national minorities had been drafted after consultation with representatives of those minorities.

225. In connection with article 3 of the Convention, the representative of the State party said that the new Hungarian Government had not modified its condemnation of apartheid. However, in order to conduct an independent and peace-serving foreign policy and taking account of the interests of all the countries of southern Africa, contacts had been established, notably at the level of Ministers for Foreign Affairs. Genuine relations with the South African Government could not, however, be envisaged before the abolition of apartheid. In addition, he drew attention to the existence in South Africa of a substantial Hungarian community numbering 20,000, with whom the Government wished to remain in contact.

226. In connection with articles 4 and 6 of the Convention, the representative of the State party said he wished to make it clear that the Government was sparing no effort in basing its action, in particular, on the existing legislative framework and in giving priority to the moral and civic education of the population in order to ensure that racial tension similar to that in certain neighbouring countries did not occur in Hungary. The establishment of posts of mediators specializing in the defence of minority rights was currently under study.

227. Replying to the questions raised in connection with article 5 of the Convention, the representative of the State party said that bilingualism was common in several areas, since many people knew Hungarian better than their own national language. The protection of the minority cultures was all the more urgent since the minorities were scattered all over the country. Thus, it was sometimes difficult, through lack of teachers, to implement in certain small towns the provisions of Act No. 1 of 1985 relating to education in the various national languages used in Hungary. In certain cases, neighbouring countries, such as Yugoslavia and the Federal Republic of Germany, had been able to make a valuable contribution in that respect. In the regions containing sizeable minorities, the teaching of the languages of those minorities was compulsory in schools attended by the Hungarian majority. On the question of parliamentary representation of the minorities, it should be noted that at present the minorities were not really represented in Parliament, since they had only 18 deputies - including two Gypsies - out of a total of 368. Draft legislation on a two-chamber system was thus under consideration in order to enable the minorities, through the establishment of a lower chamber, to exercise their rights more effectively.

228. Replying to the specific questions on the Gypsies, the representative of the State party described the differentiation that operated within Gypsy society. Thus, 25 per cent of that population had attained a level of development comparable to the average level of the Hungarian population, while for half of them the level of development corresponded to that of the least advanced strata of Hungarian society, the third segment being composed of totally marginalized inhabitants. The Government had set itself the target of integrating the Gypsies as fully as possible within the rest of society and was trying to base its action on Gypsy children, i.e., the age group most susceptible to adaptation through school enrolment.

229. In conclusion, the representative of the State party reminded members that his country was currently going through a transitional period and expressed regret that he had been unable to reply as precisely as he would have wished to some of the questions asked. He nevertheless assured the Committee that Hungary's next periodic report would paint a full picture of the situation in the light of the comments made by members.

Dominican Republic

230. The initial report and the second and third periodic reports of the Dominican Republic contained in a single document (CERD/C/165/Add.1) were considered by the Committee at its 876th meeting, held on 15 August 1990 (CERD/C/SR.876).

231. The report was introduced by the representative of the State party, who said that although she was unable to take an active part in the work of the Committee, she would communicate to her Government the substance of the discussion and the questions asked by members.

232. In general, the members of the Committee expressed regret at the brief nature of the report and the lack of specific information on implementation of the provisions of the Convention in the Dominican Republic. They expressed a desire for clarification concerning the statement in the report that no racial discrimination existed in that country and, in particular, concerning the implementation of the provisions of article 2 of the Convention. In that connection, reference was made to the case of the Haitian workers employed on the sugar-cane plantations; explanations were sought about the particularly arduous working conditions to which they seemed to be subjected. Further information was also requested concerning the demographic composition of the country and, in that connection, it was asked why the report had intoduced a distinction between black Africans and persons of other origins.

233. Members welcomed the unequivocal position adopted by the Dominican Republic *vis-à-vis* South Africa.

234. Detailed information was requested on the implementation of article 5 of the Convention and, in particular, on the level of education of minority children; on any relations maintained between those minorities and the country from which they originated; on the living conditions of the ethnic minorities; and on the conditions that must be fulfilled in order to be able to exercise the right to vote as provided for in article 13 of the Constitution.

235. In conclusion, members expressed the hope that the next periodic report of the Dominican Republic would contain the necessary information and clarification.

New Zealand

236. The eighth and ninth periodic reports of New Zealand, submitted in one consolidated document (CERD/C/184/Add.5), were considered by the Committee at its 877th and 878th meetings, held on 15 and 16 August 1990 (CEFD/C/SR.877-878).

237. The reports were introduced by the representative of the reporting State, who referred, in particular, to the creation in 1989 of the Ministry of Maori Affairs and of the Iwi Transition Agency, which aimed to strengthen the operational base of the indigenous groups. On the occasion of the celebration, in 1990, of the one hundred fiftieth anniversary of the signing of the Treaty of Waitangi, a set of five principles, "The Principles for Crown Action on the Treaty of Waitangi", had been promulgated, making clear the Government's responsibilities and obligations in respect of the Treaty. Steps had recently been taken to accelerate the activities of the Waitangi Tribunal, which considered alleged breaches of the Treaty. Public service recruitment policies also took that Treaty into account and government departments had adopted a bicultural approach. Equal opportunities for recruitment

to the public service of Maori people and other ethnic minorities were also provided under the State Sector Act.

238. Maoris now constituted over 12 per cent of the population, and people of Pacific Island Polynesian descent made up about 4 per cent. Racial equality was a fundamental principle of society and New Zealand was committed to a partnership between different races and sought to draw on its diverse heritage to enrich the lives of the people and strengthen their sense of nationhood. Clearly, further imaginative measures would be needed, however, to achieve the goal of racial equality.

239. With respect to the implementation of article 3 of the Convention, the representative said that New Zealand had implemented all the measures recommended by the Commonwealth, as well as the sanctions recommended by the United Nations Security Council. His Government was prepared to comply with any further measures to be adopted by those two bodies.

240. Members of the Committee congratulated the Government of New Zealand on its detailed and factual reports, which had been prepared in accordance with the Committee's guidelines, and thanked the representative for his introduction. They commended the Government of New Zealand for the comprehensive information it provided and its honest, objective assessment of the prevailing situation.

241. Referring to the demographic composition of the New Zealand population, members of the Committee asked what the reason was for the rapid increase of the Maori and Pacific Island Polynesian populations and what the corresponding figure was for the population of European descent; whether it was true that New Zealanders had started to emigrate from the country, and whether that emigration had affected the country's demographic composition; whether there had been any significant immigration of Indians from Fiji; how an individual came to be classified as being of Maori descent; and under what rules an individual was assigned to a particular iwi (tribe). Noting that the report justifiably placed emphasis on the situation of the Maori people, members drew attention to the fact that, in doing so, the situation of other groups, such as Asian and other immmigrants, as well as the Pakeha or Europeans, should not be neglected.

242. With reference to article 2 of the Convention, members of the Committee sought further information on the actual status of the Treaty of Waitangi in the national legal system. They wished to know whether the Waitangi Iwi were the only ones to benefit under that Treaty or whether it had been extended to cover all tribes and, if so, on what authority; how conflicting claims between different iwi were resolved and how harmonious inter-tribal relations were. With reference to the "additional obligations" of the partners concerned by the Treaty, members requested clarification of the requirement of loyalty by Maori, to the Queen and her Government, which seemed to imply that there was a lack of loyalty. With regard to the "Principles for Crown Action on the Treaty of Waitangi", members wished to know why it had been thought necessary to elaborate such principles and whether they had been worked out in consultation with the Maori.

243. With reference to the new Bill of Rights, members wished to know how it differed from its predecessor; how it would relate to such international human rights instruments as the two covenants, and whether it contained a provision on the prevention of discrimination. Referring to the Waitangi Tribunal, members wished to know the reasons for the removal, in the 1988 Amendment Act, of the

requirement that a majority of its members should come from the Maori community; what was the current ethnic composition of the Tribunal; how judges were selected and whether they were fully independent; what was the exact legal standing of the Tribunal; how many cases it had actually studied in its 15 years of existence; and what the factors were upon which it based its recommendations. Regarding the Maori Land Court, members wished to know about its membership, its functions, and how it fitted into the New Zealand court system as a whole. In addition, members sought further information concerning the penal system as it affected the Maori especially on the Maatua Whangai programme; the functions of the Ministry of Pacific Island Affairs; the administration of the Department of Maori Affairs; the activities undertaken under service programmes for refugees and Pacific Islands people; the meaning of a "tightening up" of the legal and investigative procedures of the Race Relations Office. The Committee took note of the high level of unemployment in the Maori population, and asked about the reasons for such a development and the measures taken to alleviate that situation. Information was also sought on the number of Maori and Pacific Islanders holding senior posts in the civil service and industry, and on measures to improve their housing situation.

244. With reference to electoral practices, members inquired about the present representation of Maoris in Parliament, and the guaranteed seats granted to them; they wondered why the New Zealand Government had not pursued the idea of introducing a proportional voting system, which would ensure more adequate Maori participation in Parliament, and requested clarification of the term "unregistered persons".

245. With regard to the implementation of article 3 of the Convention, members congratulated the New Zealand Government on its firm commitment to maintaining sanctions against South Africa until substantial and irreversible political progress had been made in that country.

246. In connection with article 5 of the Convention, members noted with satisfaction that country quotas had been abandoned in New Zealand's refugee programme and that this change in policy would lead to an improved situation that was more closely in line with provisions of the Convention. Recalling that in recent years there had been complaints of ill-treatment from Maori who had been placed under the "young Maori at risk" programme, members wondered whether the human rights standards applied to them had been the same as those applied to other citizens. Concerning the Government's decision to encourage Maori development by creating specifically Maori companies, members asked the representative to comment on the view that, logically, under article 5 of the Convention, no one ethnic or racial group should be singled out for favoured treatment. With reference to orphan children, clarification was sought of the term "responsible care". With regard to the protection of Maori culture, members wished to know whether measures had been taken to prevent the export of Maori artifacts and works of art.

247. In connection with article 7 of the Convention, members noted the efforts that had been made to accommodate the rights of the Maori in the educational system. They agreed that it would be contrary to the spirit of the Convention if such special treatment for one group led to discrimination against other ethnic groups. It was also noted that the reports were very much concerned with relations between the Government and the Maori. Little was said about the changing attitudes of the Pakeha (or non-Maori) population or about the developing nature of multiculturalism.

248. The representative of the State party, replying to the questions raised and comments made by the Committee's members, explained that this significant increase in the Maori population was due to a combination of such factors as a higher fertility rate, a more youthful age structure, and a longer life expectancy than in the past. The same factors applied, as well as immigration, in respect of the Pacific Island Polynesian population. In so far as recent emigration from New Zealand was concerned, he said that there was a strong inclination for young New Zealanders, including Maori, to leave the country to seek better economic opportunities elsewhere. The method used to determine whether a person was of Maori descent or belonged to a particular tribe was based on self-identification. Maori land courts had competence to determine who was or was not a Maori. It was not possible for a Maori not to belong to any tribe, but it was quite common for Maori to have links with several tribes.

249. In connection with the questions raised on article 2 of the Convention, the representative of the reporting State indicated that the Treaty of Waitangi had never been formally incorporated in New Zealand law and that, consequently, a number of earlier court decisions had failed to give effect to its principles. The situation was entirely different at the present time and the Treaty was even regarded by some as having a higher status in the courts than an Act of Parliament. The Treaty was applied to all New Zealanders, including recent immigrants and there was no question of Maori tribes being excluded from its provisions.

250. There was no hostility between the various New Zealand Maori tribes at the present time. This harmonious and constructive relationship was exemplified by a recent important development within Maori society - the holding of a National Maori Congress made up of representatives from each iwi. The need to increase the Waitangi Tribunal membership had resulted from its heavy case-load. At the present time, the Tribunal had eight Maori members and eight European members. As the Chief Judge was a Maori, there was a majority of Maori on the Tribunal. All New Zealanders had equal access to the courts and the decisions of the High Court of Appeal were binding on the Maori Land Court.

251. The Government rejected the concept of a dual criminal justice system, and had decided to set up a single criminal justice system and to make it as culturally sensitive as possible. The Ministry for Pacific Island Affairs was concerned with Pacific Islanders and people of Pacific Island descent living in New Zealand. The Ministry of Maori Affairs had Maori officers, including the head of the Department, but the staff was not exclusively Maori. To make New Zealand's economy internationally competitive, it had been necessary to restructure the country's economy. While that had affected all sectors of the New Zealand economy, the industries singled out in the report were those in which the Maori people, whose communities had been particularly impacted, were highly represented. The vocational training and employment programmes that had been established by the Government for the Maori were intended to offset that negative impact.

252. With reference to article 5 of the Convention, the representative indicated that four seats in Parliament were held by Maori; and that there were also people elected on the general roll who claimed Maori descent. According to the 1986 census, unemployment rates were 13.9 per cent for Maori, 11.7 per cent for Pacific Island Polynesians, and 5.6 per cent for Europeans and other members of the population. The Government was seeking to increase the representation of Maori and Pacific Island Polynesians at all senior levels of responsibility, but that goal

was being realized only gradually. The preservation of Maori art objects was a matter of concern to the Government and legislation had been adopted to prevent the illegal export of Maori cultural artifacts. Finally, the representative noted that the Government was currently reviewing its policy in the cultural field.

253. As for article 7 of the Convention, the representative explained that the impetus for the Te Kohonga Reo programme and other similar Maori language programmes had come from the Maori themselves and was based on the value they attached to the culture and language. The programme did not conflict with the Government's policy of promoting biculturalism. The Government was strongly committed to the creation of a multicultural society in which all New Zealanders were valued members and in which racism had no place.

Union of Soviet Socialist Republics

254. The tenth and eleventh periodic reports of the Union of Soviet Socialist Republics (CERD/C/172/Add.6 and CERD/C/197/Add.1) were considered by the Committee at its 878th and 879th meetings, held on 16 August 1990 (CERD/C/SR.878-SR.879).

255. The reports were introduced by the representative of the State party who, after stating that his country's current situation was particularly complex and difficult, gave a detailed description, both general and specifically related to the implementation of the Convention. He pointed out that the country's political system had undergone major changes in recent years and that the introduction of democratic processes and new mechanisms guaranteeing the freedom of the citizen, as well as a greater separation of powers, were helping to create a State based on the rule of law. With regard to the nationalities, which were already represented on the Federation Council, the representative informed the Committee that the several draft laws intended to improve their representation in all the country's political organs had been introduced in the Supreme Soviet, including a draft law on the division of powers between the Union and the various Republics and also a draft law on languages. Numerous special committees had been set up to study relations between the nationalities and also to verify the consistency of the new laws with the obligations accepted by the USSR under the Convention and other international human rights instruments. Referring to article 3 of the Convention, the representative of the State party said that the USSR opposed all forms of racism in general and apartheid in particular. The USSR had repeatedly spoken out for the creation of a democratic State in South Africa that would respect the interests of all parties concerned. In that connection, the Soviet Union welcomed the recent settlement in Namibia and the release of Nelson Mandela.

256. Describing the political, legislative and institutional aspects of perestroika, the representative stressed that the wide-ranging process of democratization brought in its wake severe difficulties in relations between the Union and the Republics. Perestroika and glasnost had given a new impetus to the aspirations of the nationalities, which claimed the right to self-determination and greater freedom for their cultures. The tensions had also been exacerbated by the crisis that was shaking power structures and by the economic difficulties affecting the country. The Government was therefore working for the conclusion of a wide range of agreements to stabilize the political situation in the country and create the necessary conditions for a consensus that respected the interests of the whole population. In that context, the President of the USSR, whose post was of recent creation, was called upon to play a vital unifying role for the country. In conclusion, the representative of the State party pointed out that the

restructuring of the country was oriented towards eliminating all forms of racial discrimination and that it could not be carried through successfully without the help of the entire international community.

257. Noting the quality, frankness and objectivity of the eleventh periodic report of the Soviet Union, owing to the new thinking current in the USSR, members of the Committee welcomed the fact that the Soviet Union was moving quickly towards democracy and according a new importance to respect for human rights, as evidenced by the fruitful dialogue that it had held with the Committee. They congratulated the Soviet Union on the many changes in its legislation, such as that authorizing citizens to leave and re-enter the country freely, and on the decision by the Presidium of the Supreme Soviet to withdraw Soviet reservations regarding the compulsory jurisdiction of the International Court of Justice in the case of five international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. That represented a major decision that marked the beginning of a new era in international relations.

258. Members of the Committee inquired whether international treaties, once ratified, became an integral part of domestic law and whether the Soviet citizens would be able to invoke them before the courts; whether the USSR Committee for Constitutional Supervision verified the conformity of the Soviet Constitution with international treaties before the ratification process was undertaken; and, given the precedence of treaties over laws, what happened when that Committee found that the Constitution was inconsistent with an international instrument. Noting that the so-called "political articles" had been eliminated from the Criminal Codices, they asked whether that meant that crimes of political opinion no longer existed, particularly in relation to anti-Soviet propaganda or antisocial religious activities. They also requested more information on the nature of the legislative measures to regulate confinement in psychiatric hospitals and preclude any abuses in that respect. They also requested details on the procedure for applying the Act of 3 April 1990 concerning the settlement of questions connected with the secession of a Union Republic from the USSR and asked whether some Republics intended to take advantage of the referendum provided for in the Act. Members further asked that information should be communicated to the Committee on the reform of the judiciary and that the text of laws relating to article 5 of the Convention, and other laws mentioned in the report, should be made available. Members requested more information on the current situation in Nagorno-Karabakh and on what the authorities intended to do to prevent a recurrence of the ethnic conflicts that had already claimed so many victims and caused a flood of refugees in various parts of the Soviet Union.

259. Members of the Committee asked for further details on the procedure whereby various Republics, in particular the Baltic Republics, could exercise the right to self-determination and on the position of the federal power in the matter. Other members of the Committee considered that that question, along with some others, did not come within the scope of the Convention and that therefore the USSR was under no obligation to reply.

260. On article 2 of the Convention, members of the Committee asked what measures had been taken to ensure the progress of the 5,000 Nenets and to raise the living standards of the indigenous Siberian peoples. They also requested further information on the origin and current situation of the Meskhetin Turks.

261. Concerning the application of article 3 of the Convention, members of the Committee noted that the African countries and the whole world were grateful to the USSR for the decisive support it had given to the struggle against *apartheid*.

262. Regarding article 4 of the Convention, members of the Committee, noting that the law adopted by the Soviet Union on 2 April 1990 marked an important step forward, asked whether the courts or the authorities had taken any specific measures against the racist and anti-Semitic movement *Pamyat* and what had been the result of the criminal prosecution brought for the first time in Moscow against the authors of an anti-Semitic article published in a student newspaper. Further, they inquired how the Soviet Union saw freedom of association and freedom of expression in the context of article 4 and what compensation it provided to victims of racist movements.

263. Regarding the application of article 5 of the Convention, members of the Committee requested further details on the right to freedom of movement, on the more active participation of religious organizations in political life and on the possibilities of forming ethnic political parties in the Soviet Union.

264. In response to the questions raised and comments made by members of the Committee, the representative of the Soviet Union said that his delegation welcomed the constructive attitude shown by members in considering his country's periodic reports and that the Government of the Soviet Union would, when drafting new legislation, take account of the useful views that had been expressed. The increasing democratization of Soviet society had led the Government to review the way in which its obligations under international instruments were being implemented in practice. In general, international instruments were not directly applicable in Soviet law, although that might change soon. One of the most important factors in the USSR's implementation of its international obligations was the new system of constitutional supervision. The new Committee for Constitutional Supervision would ensure that the actions of executive organs and the laws adopted by the central Government and Union Republics would be in conformity not only with the Constitution, but also with the obligations of the USSR under international instruments. If the Committee for Constitutional Supervision concluded that a certain law was detrimental to the rights or freedoms of citizens, that law lost its force immediately. That Committee had also taken into account the International Convention on the Elimination of All Forms of Racial Discrimination in considering the new draft laws on freedom of association and on registration of Soviet citizens. He also informed the Committee that preparations for ratification of the Optional Protocol to the International Covenant on Civil and Political Rights were almost complete.

265. With reference to the independence of the judiciary, the representative stated that, in the previous 18 months, many measures had been adopted to increase the independence of the courts. The Government intended to introduce new procedures for the training of judges and additional measures to prevent undue interference in court. As for methods used to define one's nationality, he said that, at present, a citizen's nationality was derived from his or her parents, but changes were under consideration in this regard. With reference to crimes connected with anti-Soviet propaganda, he said that such activities were no longer a crime and that there were now no inmates in Soviet prisons who had been convicted solely for engaging in anti-Soviet propaganda. Referring to the right to self-determination, the representative indicated, *inter alia*, that recent legislation had created the necessary conditions for the preparation and conclusion of a new Treaty of Union,

which should be based on the concept of a union of sovereign States, a clear definition of the status of the parties, a delimitation of the powers of the USSR and the Union Republics, a wide variety of links between them, voluntary participation and mutual advantage.

266. In reply to the questions raised under article 4 of the Convention, the representative stated that in the USSR every individual was free to express his or her beliefs and opinions and to disseminate them by all means, including the press and the mass media. The Soviet Constitution provided that no party, organization or movement might act in a manner that led to discrimination of a racial or religious nature. Under the new Act on the press and the mass media, adopted on 1 August 1990, no one was permitted to use the media to advocate national, racial or religious exclusivity or intolerance. In 1989, there had been 69 cases of alleged dissemination of racial hatred. Dozens of people had already been convicted, mainly in the Republic of Georgia and in Central Asia. Referring to the particular cases mentioned by members of the Committee, he said that the movement known as Pamyat was sometimes used as a cover by other groups, which distributed anti-Semitic material. More than 1,400 people had been prosecuted for disseminating racial hatred in the previous two and a half years but, in his view, criminal prosecution had to be a last resort in the struggle to eliminate racial discrimination.

267. The compensation that the courts could award was not enough to satisfy people whose relatives had been killed in inter-ethnic conflicts. It was essential to use political, economic and other measures to prevent the occurrence of racial discrimination. Because of the serious consequences resulting from inter-ethnic conflicts, the Government had increased the penalties for such crimes in 1989, especially for officials who practised or condoned racial discrimination while on duty.

268. With reference to article 5 of the Convention, the representative stated that the Soviet Government had recently taken a number of measures to implement its obligations under that article and indicated, in particular, that the Government had greatly relaxed the rules governing temporary visits abroad by Soviet citizens. Four million people enjoyed their right to travel abroad in 1989. The number of people who had emigrated from the USSR in 1989 was 235,000. Only 0.3 per cent of those applying had been refused permission to emigrate. At a citizen's request, the reasons for the refusal would henceforth be furnished in writing, and the citizen had the right of appeal to the Presidium of the Supreme Soviet. The draft law on the procedure for entering and leaving the country by USSR citizens was likely to be adopted at the forthcoming session of the Supreme Soviet. The representative said that a draft decree abolishing existing restrictions to move freely within the country had been introduced and would be adopted in the near future. The representative said with regard to the situation in Nagorno-Karabakh, that the only way to solve the problem was through a demonstration of goodwill on the part of the two national groups involved and an effort to reach a compromise. As regards the formation of political parties on an ethnic basis, he said that there were guarantees in the Soviet Constitution and the new legislation on social organizations against the establishment of groups that fostered racial or ethnic disharmony. Referring to the question concerning the confinement of opponents of the Government in psychiatric hospitals, he pointed out that recent legislation had increased the guarantees available to citizens and made it less likely that people who were not genuinely ill would be confined in psychiatric hospitals. Many measures had been taken to prevent abuses by the

authorities or hospitals themselves, and an official who sent someone to a psychiatric hospital without justification was liable to criminal prosecution. The representative of the State party said that the number of believers in the USSR was estimated to be between 70 and 90 million, of which a large proportion were Muslims.

Byelorussian Soviet Socialist Republic

269. The tenth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/172/Add.15) was considered by the Committee at its 879th meeting, held on 16 August 1990 (CERD/C/SR.879).

270. The report was introduced by the representative of the reporting State, who said that during the period under review many of the documents on which it had been based had been superseded by new legislation adopted by the Byelorussian Parliament. As part of the ongoing process of legislative reform, a Constitutional Commission had been established to draft a new Constitution. Furthermore, significant changes to the existing legislation had been introduced during the most recent session of the Supreme Soviet, and other legislative measures would be adopted to ensure full implementation of the basic provisions of the Convention. Legislation currently being prepared would significantly alter the relations between the individual and the State, and details of the new laws would be supplied in the next periodic report. He stressed both the Republic's support of international efforts to eliminate apartheid and its strict maintenance of the economic, diplomatic and other sanctions imposed on the South African régime.

271. Members of the Committee welcomed the report of the Byelorussian SSR, presented with commendable punctuality, indicating the Government's willingness to maintain a regular dialogue with the Committee, and looked forward to receiving detailed information on the new legislation in the next periodic report.

272. While congratulating the Government on its bold initiatives to ensure the rights of individuals, taken in its decision under Act No. 21 of 1988, members wished to know whether any cases had been brought before the courts pursuant to that decision, and, if so, they asked for details to be provided in the next report. They also asked whether cases of racial discrimination came within the scope of the decision and if it had been applied in the courts or entailed action only at the administrative level. Information was requested on the current procedures for settling disputes involving violations of human rights.

273. In connection with article 2 of the Constitution, members sought clarification on whether, under the new Act on National Education, national minorities were at a disadvantage since both Russian and Byelorussian took precedence over other languages. Further information on the policy relating to national minorities was requested, in particular on: whether they were allowed the free study of their languages; the functioning of their schools; whether the prerequisite teaching facilities were available; whether they had to learn three languages; the standard of their scientific and technical education; whether attention was given to the teaching of their history, culture and religion; and on the position of their language publications. Members also wished to know the language in which government business was conducted; whether Byelorussian was an offical State language; and whether Russian-speaking people learned a second language of the Republic. It was also inquired whether the quota system was still in operation as part of the affirmative-action programme and as part of a broader national policy, especially in universities and in white-collar employment; and whether a quota was

allocated for the representation of national minorities in municipalities and at the Republican level.

274. While noting that the Constitution and article 77 of the Criminal Code reflected the spirit of article 4 of the Convention, members requested information on whether specific legislation was being contemplated to prohibit racist organizations; and on the action taken to deal with them.

275. With regard to article 5 of the Convention, members welcomed the addition of a new article, 124 (2), to Act No. 4 of 1988, making the committal of a healthy person into a psychiatric institution a criminal offence. They wished to know whether the Act considered cases retrospectively; whether any persons had been punished under the Act; whether any patient, if found to be normal, had been removed from the register of the mentally ill; and whether a commission had been appointed to review the possible release of patients from mental institutions. It was also asked what action had been taken to rescind the Penal Code with regard to political prisoners in solitary confinement or in labour camps, and whether those released had been allowed to return to their families or former places of residence. Members sought information on the numbers of Jewish families who had been permitted to leave the country; whether there had been an increase in ethnic Polish emigration; and whether any laws were being passed to fulfil all the obligations relating to the political and civil rights set out in article 5 (d) of the Convention. In view of the acute housing shortage throughout the Soviet Union, it was asked if priority was being given to the provision of housing in the Republic. Noting the importance of the amended Code of Labour Laws, members asked for additional information on its implications; whether any cases of action had been taken under the Code; and whether rapid and effective remedies had been available to the citizens concerned.

276. In connection with article 6 of the Convention, members requested specific details on cases of discrimination, and subsequent action, as had been requested during the consideration of earlier reports. They asked whether recourse had been available to individuals punished by the police for minor offences, and whether the authorities were conducting campaigns to heighten legal awareness among the population. Members wished to know whether effective remedies were available for protection against violations of human rights, particularly those relating to racial discrimination; whether victims could request assistance from the Public Prosecutor and if he was responsible for instituting proceedings when there were grounds for so doing; and whether the Convention could be directly invoked before the courts.

277. With regard to article 7 of the Convention, members sought clarification on whether the aim of fostering understanding of ethnic differences and the study of different cultures and civilizations were included in the school curricula; whether teachers were given special training in the culture of various ethnic groups; and whether the phenomenon of racial discrimination was covered by the media.

278. In response to questions raised by members of the Committee under article 2 of the Convention, the representative stated that guarantees had been provided and steps taken to prepare schools and teachers for the free study of Byelorussian, which was an official State language of the Republic. Measures had also been taken to produce a sufficient number of relevant textbooks and to ensure their consistency with the new legislation.

279. In reply to questions raised under article 4 of the Convention, the representative said that there was no specific legislation prohibiting racial discrimination, but nor was he aware of any prosecutions for the crime. However, the provisions of the Consitution and the Criminal Code covered the prohibition and punishment of all forms of discrimination, including the propagation of racial or ethnic hatred.

280. With reference to the questions raised under article 5 of the Convention, he stated that statistics were not available on the number of healthy persons committed to psychiatric hospitals, although they had undoubtedly been few in number. Responsibility for such cases lay with the same group of doctors who had been prosecuted for such offences, although he could not provide names or report on specific cases. All patients who had been released had been given due compensation and employment. He was unable to give the exact number of Jews who had left the Republic, but the figure was, perhaps, fairly substantial as a result of the lifting of travel restrictions. Census figures revealed that approximately 23,000 Jews had left the Republic in the space of 10 years, and it was presumed that emigration accounted for a large proportion of that figure. Housing was not the Republic's primary problem, but it was acute because one fifth of the population had been affected by the Chernobyl disaster and subsequent resettlement had placed an intolerable strain on the country's existing housing infrastructure.

281. With regard to the questions raised under article 7 of the Convention, the representative said that school-age children were less prone to racially and ethnically discriminatory attitudes than adults, therefore it was not difficult to render children immune to racial discrimination. He added that there was no evidence of racial conflict in the Republic's schools.

282. Finally, the representative assured the members of the Committee that note had been taken of all the questions raised and these would be fully answered in the eleventh periodic report of the Byelorussian SSR.

Haiti

283. The seventh periodic report (CERD/C/147/Add.2) and eighth and ninth periodic reports of Haiti, submitted in one consolidated document (CERD/C/195/Add.1) were considered by the Committee at its 879th meeting, held on 16 August 1990, without the participation of a representative of the reporting State (CERD/C/SR.879).

284. The members of the Committee regretted that there was no representative of the reporting State to take part in the Committee's proceedings. In that connection, members, being aware of the country's perilous economic situation, expressed the view that it would have been easier for Haitian representatives to attend had the Committee's session been held in New York.

285. Members of the Committee, having noted that the reports merited the Committee's positive appreciation, stated that consideration of the Haitian reports was particularly important from a human rights standpoint, since that country was troubled by problems other than those relating strictly to racial discrimination, including extreme poverty, inequalities between the rural and urban population, great insecurity with the activities of the "Tontons Macoutes" - who remained to be disarmed, summary executions and acts of torture, including recent attacks on human rights activists. Another crucial problem was that of ensuring security during the forthcoming elections and the regularity of those elections, about which it was

hoped that full details would be provided in the next report. Members also expected that that would include further information on the general situation prevailing in the country, on demographic composition of the Haitian society, on the relationship between the black, mulatto and white populations. Members were also interested to know whether there was or was not some form of racial discrimination in the business sphere. Members also sought further clarification of the statement that racial discrimination, as defined in article 1 of the Convention, did not exist in Haiti, contained in the reports, and they pointed out that relevant provisions of article 1 were to be seen in conjunction with those of article 4 of the Convention.

Italy

286. The fifth and sixth periodic reports of Italy, combined in a single document (CERD/C/156/Add.1), and the seventh periodic report of Italy (CERD/C/182/Add.2) were considered by the Committee at its 880th meeting on 17 August 1990 (CERD/C/SR.880).

287. In his introductory statement, the representative of the State party said that the Government of Italy was currently confronted with new situations linked with increased - and sometimes uncontrolled - immigration into the country. In that context, the problems faced by the Italian authorities in the area of racial discrimination could be divided into three categories: conventional problems due to the presence of linguistic minorities in the national territory; problems due to the presence of nationals of other countries of the European Community; and problems due to immigration by citizens of countries not members of the European Community. While the difficulties connected with the first two categories of problems could be fairly easily resolved, the difficulties connected with the third one were more complex, inter alia, because it was very difficult to control the entry into the national territory of persons who came for the most part from African and Latin American countries. After describing the situation of the clandestine immigrants and the remedial measures taken by the Government, the representative pointed out that uncontrolled immigration, beyond a tolerable threshold, inevitably gave rise to rejection and xenophobia on the part of the local population. He informed the Committee concerning the new legislation that had been adopted and said that the text of Law No. 39-1990 had been published in many foreign language versions for the benefit of immigrants. Under that Law any person who considered himself persecuted in his own country could apply for asylum in Italy under the 1951 Geneva Convention.

288. Members of the Commitee paid tribute to the humanitarian attitude towards clandestine immigrants shown by the Italian Government in allowing them to regularize their situation. They also expressed appreciation of the quality of the reports that had been submitted. They asked whether the population, and particularly the minorities, had been informed of the rights conferred on them by the declaration that the Italian Government had made under article 14 of the Convention. They asked the Government to provide more detailed information on the further measures that had been taken to implement the Convention. They wished for information on the content of the draft legislation on the protection of linguistic minorities, in order to verify that it was consistent with the Convention. Noting that local ethnocentrism was very strong in Italy, members suggested that the strategy of the antiracism campaign should be placed in that context and should be divided into three stages: identification of the nature of the problem; adoption of measures to solve it; and, lastly, evaluation of the progress achieved.

289. With reference to the implementation of article 2 of the Convention, members asked what was the percentage of migrant workers whose situation had not been regularized for one reason or another; what steps were being taken to deal with the serious racial incidents in public places and private institutions reported in the last 18 months; whether the law setting an annual quota for immigrants from non-European countries included provisions guaranteeing that there was no racial discrimination whatsoever in the handling of immigration requests; why, in Italy, the enactment of legislation, and particularly legislation on the protection of linguistic minorities, took so long. They also wished to have more detailed information on the status of nomadic populations and to know whether the nomads living in Italy were Gypsies or whether there were also nomads of other origins.

290. With regard to article 3 of the Convention, members of the Committee wished to know the status of relations, particularly in the field of trade, between Italy and South Africa, and whether the Italian Government planned to modify its policy towards South Africa because of the release of Nelson Mandela.

291. Regarding the implementation of article 4 of the Convention, members of the Committee noted that insufficient use was made of the legislation designed to combat racist propaganda. They requested the Italian delegation to furnish particulars of the number of complaints of racial discrimination brought before the courts and the number of judicial convictions for such offences.

292. With reference to article 5 of the Convention, members of the Committee expressed a desire for more information on the reform of the Code of Criminal Procedure and they asked what had been the first results of that reform. They also desired information on cases of persons charged with being conscientious objectors; on the reasons for the excessive length of provisional detention and the safeguards against possible abuses in that connection. Information was also sought concerning economic and social rights and particularly concerning the implementation of the rights to work, to housing and to education.

293. Regarding the implementation of article 7 of the Convention, members of the Committee considered that there was a need to review school curricula in order to increase local communities' awareness of the problems of foreigners and immigrants and they asked whether the curricula included courses providing information on the aims of the Convention; whether teachers, police officials, judges and other officials were made aware, in the course of their training, of issues relating to human rights; and whether the content of the teaching in private educational institutions was monitored by the State in order to prevent the dissemination of racist ideas.

294. The representative of the State party observed that the Italian delegation had come to the Committee, not only to answer questions, but also to learn. He stated that under the Italian Constitution any international Convention ratified by Italy was directly applicable. That was the reason why there was no special legislation concerning racial discrimination. He also explained to the Committee why there were delays in the legislative process. They were due, *inter alia*, to political and constitutional factors. He pointed out that immigrant workers who were not nationals of countries of the European Economic Community (EEC) enjoyed the same rights as Italian workers once they had regularized their situation and he described the relevant legislation in detail. It was very difficult to compile detailed statistics of Italy's German-speaking population. However, the German-speaking minority in Alto Adige, as had been stated in an article in *Der Spiegel* some years before, was "the best protected minority in Europe" and the

solution adopted in order to preserve its linguistic and cultural identity had often been held up as an example, in particular at the Copenhagen Conference. He also provided the Committee with statistics that had been requested relating to the number of foreigners officially established in Italy, by category, and said they they now totalled 860,000. Regarding the nomadic groups, he said that a disturbing increase in delinquency had been observed and that had resulted in a negative reaction on the part of the sedentary population. The only solution to that situation appeared to be the gradual assimilation of those groups, through education in particular.

295. With regard to the implementation of article 3 of the Convention, the representative of the State party said that Italy was applying strictly all the sanctions decided upon by EEC and by the United Nations, and would continue to do so so long as there was no genuine improvement in the situation in South Africa.

296. With reference to the implementation of article 4 of the Convention, the representative of Italy said that, since 1987, Italian courts had had to deal with a number of cases involving racial discrimination. Thus, in Florence, criminal proceedings had been brought against 13 persons for racial intolerance. The representative gave the Committee details of that case.

297. In connection with the implementation of article 5 of the Convention, the representative of the State party said, with reference to provisional detention, that the new Italian Code of Criminal Procedure, which had come into force in September 1989, had revolutionized the legal system. The inquisitorial procedure had been replaced by an accusatory procedure and the length of preventive detention had been considerably reduced. However, exceptions were provided for in the case of trials involving a large number of persons, as, for example, in cases involving terrorism and the Mafia. The extremely complex investigation of such cases could take up to two or three years, but even in those cases provisional detention could not exceed four years. With regard to conscientious objectors, the Constitutional Court had decided that civilian service would be of the same duration as military service: 11 months. Anyone seeking to evade such service would be breaking the law and the authorities were entitled to take action. The representative also said that non-European immigrants were entitled to marry persons of Italian nationality and they could purchase property provided they were nationals of countries that had concluded with Italy a convention providing for reciprocity. Referring to the incident that had taken place in a Milan school, he said that that was a quite isolated incident. Although there were very few children of immigrants in the schools, the Ministry of Education, looking to the future, had already taken very significant measures. In September 1989, it had issued a circular instructing heads of schools to encourage the integration of such children. A further circular currently in preparation made provision, *inter alia*, for teaching experiments aimed at developing a more multi-cultural form of education.

298. With reference to the implementation of article 7 of the Convention, the representative of the State party informed the Committee that pupils in primary and secondary schools attended civics classes that dealt with the question of human rights. In addition, special courses, at a higher level, were provided for judges and the police, among others. Italy was also co-operating with the United Nations Centre for Human Rights in providing training for judges from Latin America and, soon also, from Africa.

Cameroon

299. The eighth and ninth periodic reports of Cameroon, submitted in a single document (CERD/C/171/Add.1), were considered by the Committee at its 880th and 881st meetings, held on 17 August 1990 (CERD/C/SR.880 and 881).

300. The reports were introduced by the representative of the State party, who drew attention to the many recent changes in her country's legal system relating, in particular, to the organization of the military courts, the regulation of the legal profession, the powers and competence of the courts of first instance, the functions of the Supreme Court and the enforcement of judgements. Since, despite the release of Mr. Nelson Mandela, the *apartheid* system was still in force in South Africa, the position of Cameroon under article 3 of the Convention remained unchanged. With regard to article 4 of the Convention, she emphasized that there was no racial problem in Cameroon; there were, on the contrary, more than 200 tribal or racial groups, for all of which the Government was ensuring enjoyment of the same rights and benefits. Referring to the application of the various rights listed in article 5 of the Convention, she said that a commission had been set up by a Decree of the Chief of State of 20 July 1990 to review the laws relating to civil liberties, and many decrees ordering the release of prisoners previously convicted of subversion had been signed on 11 August 1990. Depending on the region, criminal procedure was based either on common law or on French law and the new code of criminal procedure that was in preparation was intended to harmonize the two types of procedure. She also said that the need to retain the requirement of an exit visa for Cameroonian citizens was at present under review and that an insult to a person's race or religion had been declared a punishable offence by the Cameroonian Penal Code.

301. Members of the Committee took note with satisfaction of the reports submitted by the Government of Cameroon, which had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and commended the representative of the State party on her presentation. It was, however, regretted that some information not directly relevant to the provisions of the Convention had been included in the reports. Members wished to receive additional information on the composition of the population, as determined by the 1986 census, and on the implementation of the recent Acts establishing urban communes with municipal councils presided over by elected mayors and concerning the election of representatives to the National Assembly. In the latter connection, it was asked whether the governors of the 10 provinces were still appointed by the Federal Government or whether they were now elected and what progress had been made towards a multi-party system. Information was also requested concerning the measures taken to ensure equality of the sexes.

302. With regard to article 2 of the Convention, members wished to receive additional information regarding any positive measures taken to ensure the adequate development and protection of certain minority groups in less developed areas of the country.

303. In connection with article 3 of the Convention, the position of the Government of Cameroon towards the struggle against *apartheid* was commended.

304. With reference to articles 4 and 6 of the Convention, members observed that the provisions of the Penal Code did not appear to cover all cases of racial discrimination that might arise and wondered, in that regard, whether the provisions of the Convention could be invoked directly *vis-à-vis* the administrative authorities and in the courts.

305. In connection with article 5 of the Convention, members wished to receive additional information on the economic and social rights enjoyed by the minority and ethnic groups in Cameroon, in particular in respect of health, education, religion, traditions and training. It was asked to what extent the identity, languages and cultures of the various ethnic groups, including Pygmies and Bantus, were preserved; how those groups were represented in the elected bodies; what were the illiteracy and school enrolment rates; whether the British or the French approach to education prevailed in the country; and what were the effects of the coexistence of two different systems of law on the implementation of article 5 (b) of the Convention. Additional information was requested on the specific situation of Pygmies in Cameroon and, in particular, on any measures taken to improve their living conditions in the resettlement areas, to develop the new Pygmy village communities, and to further integrate them into public life, the army, the judiciary, the administration and the police. It was also asked whether they could preserve their identity and whether they had access to education. Additional information was further sought on the number and economic and social situation of refugees, in particular those from Chad. With reference to the updating of the Cameroonian Penal Code and the Code of Criminal Procedure, information was sought on legal provisions relating to house searches; and on the situation of a number of opponents of the régime who had, reportedly, been detained without charge or trial for attacks against the public order under the emergency provisions. Lastly, information was sought on the restrictions to the freedom of expression and of the press required to safeguard national unity and security, public order and morals.

306. With reference to article 7 of the Convention, members wished to receive information concerning the efforts that had been undertaken in Cameroon to promote public awareness of the provisions of the Convention.

307. Replying to questions raised by members of the Committee, the representative of the State party stated that the results of the 1986 census would be provided in the country's next periodic report. The census had been carried out not only in urban areas but also in remote districts and, therefore, difficulties had been encountered in collecting the relevant data. According to the 1987 Act on the Election of Municipal Councillors, there were 39 mayors in the country. Governors were, however, still appointed by the Government since, under the Constitution, it was the duty and prerogative of the Head of State to appoint civil officials and military personnel. She further stated that parliamentary elections in Cameroon were based on electoral constituencies and were held at the district, subdivisional and provincial levels; that, consequently, those elections cut across ethnic groups; and that, in his statement of 28 June 1990, the Head of State had announced moves towards greater democracy, including the lifting of restrictions on the press, freedom of association and freedom of movement.

308. With regard to questions raised in connection with article 4 of the Convention, the representative acknowledge that, in view of the historical, political and legislative changes that had occurred in the country, the Cameroonian Penal Code did not at present cover all the principles mentioned in that article. She however added that sections 241 and 242 of the Penal Code provided for punishment for racial or religious discrimination and that questions raised by members of the Committee would be fully taken into account in the process of updating the Penal Code.

309. With regard to the implementation of article 5 of the Convention, the representative emphasized that, in order to facilitate communication in education and training, English and French were official languages in Cameroon. Furthermore, all Cameroonian legislation was published in those two languages and the Convention formed part of Cameroonian law. All citizens enjoyed the right to medical care and education on an equal basis. There were hospitals and schools on district, subdivisional, divisional and provincial levels and, as a result, those facilities were available to all persons wherever they lived. She added that the Government had tried to establish a balance between the various ethnic groups and provinces in the country by means of its planning system; that the Ministry of Information and Culture had offices all over the country which arranged all kinds of cultural activities, publicizing the art, poetry and song of all ethnic groups; that her Government was trying to ensure the Pygmies access to education; that there were still many refugees in Yaoundé and that the Government would not send them back against their will. Responding to other questions, the representative said that it was difficult to prevent discrimination in recruitment to employment. Moreover, since 1974, Cameroon had been trying to harmonize the British and the French criminal law systems that it had inherited from colonial days. Furthermore a new draft criminal procedure ordinance provided that police officers who harassed witnesses or entered a private house without a warrant were liable to criminal prosecution. Referring to alleged cases of detention without trial, she emphasized that a decree signed on 11 August 1990 had led to the release of all those detained during the attempted coup in Cameroon, except those prisoners who had been lawfully convicted and sentenced to a term of six years' imprisonment or more.

IV. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

310. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Fourteen of the 129 States that have ratified or acceded to the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. 5/ These States are Algeria, Costa Rica, Denmark, Ecuador, France, Hungary, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention that has not recognized the competence of the Committee to receive and consider communications.

311. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the C ommittee) are confidential.

312. In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications (rule 87) or on the action to be taken in respect of communications that have been declared admissible (rule 95, para. 1).

313. The Committee began its work under article 14 of the Convention at its thirtieth session, in 1984. It considered issues under article 14 at its thirty-first and thirty-second sessions in 1985, its thirty-fourth session in 1987, its thirty-sixth session in 1988, its thirty-seventh session in 1989, and its thirty-eighth session in 1990. At its thirty-sixth session, on 10 August 1988, the Committee adopted its opinion on communication No. 1/1984 (Yilmaz-Dogan v. The Netherlands). 6/

314. At its thirty-seventh session, the Committee had before it communication No. 2/1989 (D.T.D. v. France). It decided to transmit the communication to the State party, pursuant to rule 92 of its rule of procedure, and to request information and observations relevant to the question of the admissibility of the communication. During its thirty-eighth session, the Committee considered the issue of the admissibility of communication No. 2/1989.

315. Under article 14, paragraph 8, of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon. This reporting stage has not been reached yet in respect of communication No. 2/1989.

V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

316. The Committee considered this item at its 883rd meeting on 20 August 1990.

317. The action taken by the Trusteeship Council at its fifty-fifth session in 1988, and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1988 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the annual report of the Committee on the Elimination of Racial Discrimination submitted to the Assembly at its forty-fourth session. 7/ The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee in 1988 and 1989, were contained in paragraph 459 of its report to the General Assembly.

318. By its resolution 44/68 of 8 December 1989, the General Assembly, *inter alia*, took note of the report of the Committee on the work of its thirty-seventh session, which included the Committee's recommendations relating to Trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (XV) applied.

319. At its 1989 session, the Special Committee continued to follow the work of the Committee on the Elimination of Racial Discrimination and to monitor related developments in the Territories, having regard to the relevant provisions of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. 8/

320. As a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its thirty-eighth session the documents listed in annex IV below.

321. At its thirty-eighth session, the Committee approved the appointment of the members of its three working groups to examine the documentation submitted to it under article 15 of the Convention and to report to the Committee on their findings, as well as on their opinions and recommendations. The working groups, appointed at the thirty-eighth session of the Committee, consisted of the following members:

(a) *Atlantic Ocean and Caribbean Territories, including Gibraltar*

Mr. Wolfrum, Mr. Reshetov, Mr. Vidas and Mr. Foighel, with Mr. Yutzis as Convener;

(b) *Pacific and Indian Ocean Territories*

Mr. Lechuga Hevia, Mr. Garvalov, Mr. Rhenan Segura and Mr. Song, with Mr. Sherifis as Convener;

(c) African Territories

Mr. Ahmadu, Mr. de Gouttes and Mr. Ferrero Costa, with Mr. Lamptey as Convener.

The Committee also agreed that Mrs. Sadiq Ali would serve as Chairman of the Conveners of the three working groups.

322. Owing to lack of time as a result of the cancellation of the spring 1990 session, the Committee decided, at its 883rd meeting, to take note of the relevant documentation and information submitted to it under article 15 of the Convention and to postpone their consideration to its next session.

VI. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

323. The Committee considered this item at its 867th, 882nd and 883rd meetings, held on 8 and 20 August 1990.

324. For the consideration of the item, the Committee had before it the following documents:

(a) The global compilation of national legislation against racial discrimination: note by the Secretary-General (A/44/574);

(b) The study on the role of private group action to combat racism and racial discrimination: report of the Secretary-General (A/44/575);

(c) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination: report of the Secretary-General (A/44/595);

(d) General Assembly resolution 44/52 of 8 December 1989 entitled "Second Decade to Combat Racism and Racial Discrimination".

325. At its 883rd meeting, the Committee completed the revision and updating of its study on "The progress made towards the achievement of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination" (CERD/1) and decided that the updated version would be published under the title The First Twenty Years: Progress Report of the Committee on the Elimination of Racial Discrimination.

326. At its 884th meeting, the Committee agreed to request the Secretary-General to arrange a one-day joint meeting in August 1991 between members of the Committee and members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The purpose of the meeting would be to exchange views on the prevention of racial discrimination. The updated version of the study (CERD/1) could be distributed to those participating in the meeting well beforehand. Discussions at the meeting were to be based upon written contributions prepared in advance by selected participants to reflect past experience in CERD and review particular problems. Two such problems were identified. One was the conflict between the right to protection from racial discrimination and certain other fundamental rights and freedoms. The other was the question of racial discrimintion in relation to the distinction between citizens and non-citizens. It was agreed that the Chairman should discuss the programme for the joint meeting with the Chairman of the Sub-Commission.

327. The Committee observed that the political changes in southern Africa during the first eight months of 1990 had been momentous. A historical turning-point in the struggle against racial discrimination might be approaching. The Second Decade was due to terminate in 1993 so that consideration must soon be given to whatever programme was to follow. The Committee on the Elimination of Racial Discrimination had, for 20 years, played a central part in assembling and evaluating experience in this field. It was ready to play an active part in the remainder of the Second Decade and in any successive programme.

328. In the Committee's opinion, any future programme should concentrate upon the universalization of action. In the first place, there should be greater effort to

secure universal accession to the Convention. In the second place, the Committee will try to secure universality of implementation. Some States parties had stated that they had acceded to the Convention to join the movement against racial discrimintion as practised by States and that, since, in their view, there was no racial discrimination in their countries, they need do little else. The Committee tried to persuade them otherwise.

329. The Committee warmly welcomed both the compilation of national laws against racial discrimination and the plan to present it for the Committee's examination and recommendations (A/44/574, para. 2). Until the compilation had been received it was not possible to say what form the examination might take, but two questions may well be salient: (a) how best to digest this information to make it useful to States parties and (b) how best to communicate to States parties the Committee's experience on problems in the implementation of the Convention.

330. Under (a) it will be necessary to consider what, for the purposes of combating racial discrimination, are the "principal legal systems" referred to in the International Convention on the Elimination of All Forms of Racial Discrimination, article 8. A country seeking to prepare legislation may gain most assistance from studying the legislation of States with legal systems similar to its own. The Committee also welcomed the intention to prepare model legislation (A/44/574, para. 9) and believed that that, too, would need to be related to the "principal legal systems". Under (b) the information will need to be digested with reference to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. With respect to implementation, separate discussion may be needed of conflicts or priorities between different fundamental rights and freedoms; the identification of ethnic groups or categories; and the effectiveness of various recourse procedures.

331. A quite separate issue concerns what has been learned, since the 1960s, about the causes of racial discrimination. It is often essential to attempt a diagnosis before selecting a remedy. A skeletal review of causes could explain, for example, why now a distinction is often drawn between direct and indirect discrimination.

332. Under (b), the Committee at present conducts an oral dialogue with the representatives of States parties. The Committee's message was not always passed on fully to the officials within the reporting State who should take action and who have to prepare the next report. Moreover, the Committee sometimes found that it had to give the same message to different States, which entailed repetition. Communication in writing had many advantages over oral communication. The revival of the Bulletin of Human Rights was valuable but too general and academic for that purpose. Something similar to the Fact Sheets now published by the Human Rights Centre would be more appropriate. A first publication might well be a glossary. The vocabulary of the Convention itself must always be the prime concern because its terms were being given increasingly exact legal definition, but in their reports States now use a variety of other terms and there was a potential for misunderstanding in the increasing use of expressions such as "positive discrimination", etc. Even "nationality" was at times a confusing concept. Further publications might be desirable to align the Committee's reporting requirements with the new programme for the more effective implementation of international instruments on human rights.

333. Finally, and with an eye to the future, the Committee drew attention to the words of Mr. George Lamptey, a former Chairman, on the 1990 International Day for the Elimination of Racial Discrimination, at United Nations Headquarters. He concluded: "If we meet under auspicious circumstances today, it is partly because the worthy enterprise in which we have been engaged for so long is now yielding some fruits. It is beholden to all to ensure that our progress is sustained. We can then look forward to the day when a free and non-racial South Africa would join the International Convention on the Elimination of All Forms of Racial Discrimination, and when the whites who had so long dominated and mistreatred their fellow black countrymen and women, on the basis of race, would find in the Convention's provisions added security on the international level that they in turn would not be subject to bestial treatment by the black majority. When that day dawns then we can truly say that the martyred of Sharpeville did not pay the supreme sacrifice in vain."

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS THIRTY-EIGHTH SESSION

1 (XXXVIII). General recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4, of the Convention

The Committee on the Elimination of Racial Discrimination,

Having considered reports from States parties concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic group or groups,

Is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned.

884th meeting
21 August 1990

2 (XXXVIII). General recommendation IX concerning the application of article 8, paragraph 1, of the Convention

The Committee on the Elimination of Racial Discrimination,

Considering that respect for the independence of the experts is essential to secure full observance of human rights and fundamental freedoms,

Recalling article 8, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination,

Alarmed by the tendency of the representatives of States, organizations and groups to put pressure upon experts, especially those serving as country rapporteurs,

Strongly recommends that they respect unreservedly the status of its members as independent experts of acknowledged impartiality serving in their personal capacity.

884th meeting
21 August 1990

Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Thirteenth Meeting of States parties, decisions (CERD/SP/39).

2/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. IX, sect B.

Notes (continued)

3/ Ibid., Twenty-fifth Session, Supplement No. 27 (A/8027), annex III, sect. A.

4/ Ibid., Forty-second Session, Supplement No. 18 (A/42/18), para. 318.

5/ The competence of the Committee to exercise the functions provided for in article 14, paragraph 9, of the Convention became effective on 3 December 1982.

6/ Reproduced in annex IV to the 1988 report of the Committee on the Elimination of Racial Discrimination (see Official Records of the General Assembly, Forty-third Session, Supplement No. 18 (A/43/18)).

7/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 18 (A/44/18), para. 459.

8/ See A/44/23 (Part I), paras. 96 and 109.

ANNEX I

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (129) as at 24 August 1990

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988 b/	25 October 1988 b/
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bahrain a/	27 March 1990	26 April 1990
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 a/	17 August 1974
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988 a/	10 August 1988
Costa Rica	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 a/	3 February 1973
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Ecuador	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
German Democratic Republic	27 March 1973 a/	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 a/	29 June 1974
Kuwait	15 October 1968 a/	4 January 1969
Lao People's Democratic Republic	22 February 1974 a/	24 March 1974
Lebanon	12 November 1971 a/	12 December 1971
Lesotho	4 November 1971 a/	4 December 1971
Liberia	5 November 1976 a/	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 a/	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Maldives	24 April 1984 a/	24 May 1984
Mali	16 July 1974 a/	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972 a/	29 June 1972

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Mozambique	18 April 1983 a/	18 May 1983
Namibia	11 November 1982 a/	11 December 1982
Nepal	30 January 1971 a/	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 a/	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 a/	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 a/	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 a/	23 September 1982
Qatar	22 July 1976 a/	21 August 1976
Republic of Korea	5 December 1978 a/	4 January 1979
Romania	15 September 1970 a/	15 October 1970
Rwanda	16 April 1975 a/	16 May 1975
Saint Lucia	14 February 1990 b/	14 February 1990 b/
Saint Vincent and the Grenadines	9 November 1981 a/	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 a/	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982 b/	17 March 1982 b/
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 a/	4 January 1969
Sri Lanka	18 February 1982 a/	20 March 1982
Sudan	21 March 1977 a/	20 April 1977
Suriname	15 March 1984 b/	15 March 1984 b/
Swaziland	7 April 1969 a/	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 a/	21 May 1969
Togo	1 September 1972 a/	1 October 1972
Tonga	16 February 1972 a/	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973

State party	Date of receipt of the instrument of ratification or accession	Entry into force
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 a/	21 December 1980
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 a/	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 a/	26 November 1972
Uruguay	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 a/	9 July 1982
Yemen c/		
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 a/	21 May 1976
Zambia	4 February 1972	5 March 1972

B. States parties that have made the declaration under article 14, paragraph 1, of the Convention

State party	Date of deposit of the declaration	Effective date
Algeria	12 September 1989	12 September 1989
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971	5 January 1972
Uruguay	11 September 1972	11 September 1972

Notes

a/ Accession.

b/ Date of receipt of notification of succession.

c/ On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single sovereign State called the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Convention on 18 October 1972. The Yemen Arab Republic acceded to the Convention on 6 April 1989.

ANNEX II

Provisional agenda

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly elected members of the Committee under rule 14 of the rules of procedure.
3. Election of officers.
4. Adoption of the agenda.
5. Action by the General Assembly at its forty-fourth session:
   (a) Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;
   (b) Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (General Assembly resolution 44/135).
6. Submission of reports by States parties under article 9, paragraph 1, of the Convention.
7. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
8. Consideration of communications under article 14 of the Convention.
9. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
10. Second Decade to Combat Racism and Racial Discrimination.
11. Meetings of the Committee in 1991 and 1992.
12. Report of the Committee to the General Assembly at its forty-fifth session under article 9, paragraph 2, of the Convention.

ANNEX III

Consideration by the Committee of reports submitted by States parties under article 9 of the Convention

At the thirty-eighth session of the Committee, the following members acted as country rapporteurs in connection with the reports considered during the session.

Country rapporteur	Reports considered by the Committee
Mr. Banton	Hungary Tenth periodic report (CERD/C/172/Add.7)
Mr. Ferrero Costa	Denmark Eighth periodic report (CERD/C/158/Add.8), and ninth periodic report (CERD/C/184/Add.2)
	Bangladesh Second, third and fourth periodic reports, submitted in one document (CERD/C/144/Add.3)
	China Third periodic report (CERD/C/153/Add.2), and fourth periodic report (CERD/C/179/Add.1)
Mr. Foighel	Haiti Seventh periodic report (CERD/C/147/Add.2) and eighth and ninth periodic reports, submitted in one document (CERD/C/195/Add.1)
	Union of Soviet Socialist Republics Tenth periodic report (CERD/C/172/Add.6) and eleventh periodic report (CERD/C/197/Add.1)
Mr. Rhenan Segura	Qatar Fifth and sixth periodic reports, submitted in one document (CERD/C/156/Add.2) and seventh periodic report (CERD/C/182/Add.1)
	Czechoslovakia Tenth periodic report (CERD/C/172/Add.5)

Country rapporteur	Reports considered by the Committee
Mrs. Sadiq Ali	Italy Fifth and sixth periodic reports, submitted in one document (CERD/C/156/Add.1) and seventh periodic report (CERD/C/182/Add.1)
	Republic of Korea Fifth periodic report (CERD/C/167/Add.1) and sixth periodic report (CERD/C/192/Add.1)
	Yugoslavia Ninth and tenth periodic reports, submitted in one document (CERD/C/172/Add.9)
	Byelorussian Soviet Socialist Republic Tenth periodic report (CERD/C/172/Add.15)
Mr. Song	Jordan Sixth periodic report (CERD/C/130/Add.3), and seventh and eighth periodic reports, submitted in one document (CERD/C/183/Add.1)
	Finland Ninth periodic report (CERD/C/159/Add.1) and tenth periodic report (CERD/C/185/Add.1)
	Ethiopia Sixth periodic report (CERD/C/156/Add.3)
	Dominican Republic Initial, second and third periodic reports, submitted in one document (CERD/C/165/Add.1)
	Cameroon Eighth and ninth periodic reports, submitted in one document (CERD/C/171/Add.1)

Country rapporteur	Reports considered by the Committee
Mr. Wolfrum	New Zealand Eighth and ninth periodic reports, submitted in one document (CERD/C/184/Add.5)
Mr. Yutzis	Ecuador Ninth and tenth periodic reports, submitted in one document (CERD/C/172/Add.4)
	Netherlands Eighth periodic report (CERD/C/158/Add.9), and ninth periodic report (CERD/C/184/Add.4 and Add.6)
	Holy See Tenth periodic report (CERD/C/172/Add.8)

ANNEX IV

Documents received by the Committee on the Elimination of Racial Discrimination at its thirty-eighth session, pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention

The following is a list of the working papers submitted by the Special Committee:

African Territories	Documents
Western Sahara	A/AC.109/999/Rev.1
Atlantic Ocean and Caribbean Territories, including Gibraltar	
Anguilla	A/AC.109/1026 and A/AC.109/1035
Bermuda	A/AC.109/1025, A/AC.109/1027 and A/AC.109/1028
British Virgin Islands	A/AC.109/1021
Cayman Islands	A/AC.109/1019 and A/AC.109/1020
Falkland Islands (Malvinas)	A/AC.109/1004
Gibraltar	A/AC.109/1007 and Corr.1
Saint Helena	A/AC.109/1016 and Corr.1
Montserrat	A/AC.109/1031 and A/AC.109/1032
Turks and Caicos Islands	A/AC.109/1023 and Corr.1 and Add.1, and A/AC.109/1024
United States Virgin Islands	A/AC.109/1029, A/AC.109/1030 and A/AC.109/1034
Pacific and Indian Ocean Territories	
American Samoa	A/AC.109/1033
East Timor	A/AC.109/1001
Guam	A/AC.109/1017 and A/AC.109/1018
New Caledonia	A/AC.109/1000
Pitcairn	A/AC.109/1015 and Corr.1
Tokelau	A/AC.109/1036

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ANNEX V

List of documents issued for the thirty-eighth session of the Committee

CERD/C/153/Add.3	Third periodic report of Portugal
CERD/C/157/Add.1	Seventh periodic report of Jordan
CERD/C/158/Add.11	Eighth periodic report of New Zealand
CERD/C/170/Add.2	Eighth periodic report of Haiti
CERD/C/179/Add.1	Fourth periodic report of China
CERD/C/179/Add.2	Fourth periodic report of Portugal
CERD/C/182/Add.2	Seventh periodic report of Italy
CERD/C/183/Add.1	Eighth periodic report of Jordan
CERD/C/184/Add.2	Ninth periodic report of Denmark
CERD/C/184/Add.3	Ninth periodic report of Cuba
CERD/C/184/Add.4	Ninth periodic report of the Netherlands
CERD/C/184/Add.5	Ninth periodic report of New Zealand
CERD/C/184/Add.6	Ninth periodic report of the Netherlands
CERD/C/185/Add.2	Tenth periodic report of Iraq
CERD/C.185/Add.3	Tenth periodic report of Canada
CERD/C/189	Initial reports of States parties due in 1990
CERD/C/190	Fourth periodic reports of States parties due in 1990
CERD/C/191	Fifth periodic reports of States parties due in 1990
CERD/C/192	Sixth periodic reports of States parties due in 1990
CERD/C/192/Add.1	Sixth periodic report of the Republic of Korea
CERD/C/193	Seventh periodic reports of States parties due in 1990
CERD/C/194	Eighth periodic reports of States parties due in 1990
CERD/C/195	Ninth periodic reports of States parties due in 1990
CERD/C/195/Add.1	Ninth periodic report of Haiti
CERD/C/196	Tenth periodic reports of States parties due in 1990

CERD/C/197	Eleventh periodic reports of States parties due in 1990
CERD/C/197/Add.1	Eleventh periodic report of the Union of Soviet Socialist Republics
CERD/C/198	Provisional agenda and annotations of the thirty-eighth session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General
CERD/C/199	Submission of reports by States parties in accordance with article 9 of the Convention: note by the Secretary-General
CERD/C/200	Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/SR.863-SR.888	Summary records of the thirty-eighth session of the Committee

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READEX FICHE